THE

CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1888.

RANGOON:

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1889.

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RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1888.

Extract from the proceedings of the Chief Commissioner, Burma, in the Judicial Department, No. 42C., dated the 28th August 1889.

READ—

Reports on the administration of criminal justice in Lower Burma during the year 1888.

RESOLUTION.—The total number of cases reported in 1888 was 50,141 against 49,382 in 1887; the number of true cases was 47,681 against 46,516. The most noticeable feature in the statistics of crime for 1888 was the decrease in robberies and dacoities and the increase in thefts. The number of robberies and dacoities reported as true fell from 2,056 to 1,430; the number of thefts rose from 9,940 to 10,757. The falling off in robberies and dacoities was due to the restoration of tranquillity in Lower Burma. Although crimes of violence were more frequent in 1888 than in the years preceding the annexation of Upper Burma, yet only two districts, Tharrawaddy and Thayetmyo, were in a condition which could properly be called disturbed. By the end of the year the dacoit gangs which had troubled the peace of Tharrawaddy since 1886 were for the most part extirpated, and considerable progress had been made in Thayetmyo towards the complete restoration of order. There is reason to hope that disturbances of the kind which prevailed during 1886 and 1887 are now a thing of the past in Lower Burma. As is remarked by the Judicial Commissioner, the increase in cattle-thefts which took place during the year calls for serious notice. The number of such cases outside Rangoon rose from 2,000 in 1887 to 2,389 in the year under review, and the crime is now more than twice as prevalent as it was five years ago. The principal cause of the increase in the crime is believed to be the facilities which at present exist for disposing of stolen cattle. Improvements in communications enable thieves to move stolen cattle rapidly from one district to another, and a ready market for them is found in the cattle-dealers who traverse the country buying cattle, and rarely trouble themselves about the source whence the cattle which they buy are obtained. Thus cattle-theft is a most lucrative form of theft and at the same time the chances of detection are very small. The Chief Commissioner has at present under consideration proposals for meeting the evil by causing all sales of cattle to be registered, by requiring cattle-dealers to take out licenses, and by forbidding them to buy any cattle except such as have been branded with a Government mark. He is doubtful, however, whether any measures of this kind will succeed so well as the vigorous

enforcement of the track law which has been applied to Lower Burma by section 14 of the Lower Burma Village Act, 1889.

2. The percentage of cases returned as true to reported cases outside Rangoon was 95·26 against 93·08 in 1887. In most districts due care appears to have been exercised in striking out cases. In Kyaukpyu, however, and Thôngwa the percentages of true cases, 80·28 and 88·77 were extraordinarily low. The figures of the Thôngwa district call for special remark because in the Henzada district which adjoins it no less than 98·72 per cent. of the cases reported were returned as true. The Commissioners of Arakan and Irrawaddy are requested to call for and examine the cases struck off in these districts.

3. The number of persons called upon to give security to be of good behaviour was 3,488 as against 3,574 in 1887. The percentages of persons convicted and discharged were almost the same as those of the previous year. In some districts, notably Pegu and Bassein, the percentage of convictions was very low. Special orders were issued in the latter part of the year under review on the subject of prosecutions under the preventive sections of the Criminal Procedure Code. From facts which were brought to his notice the Chief Commissioner saw reason to fear that proper caution was not always exercised in instituting such prosecutions, and that the preventive law was sometimes misused for corrupt or malicious purposes. In order to stop such abuses the Chief Commissioner ordered that no prosecution should be instituted without the sanction of a District or Subdivisional Magistrate, or a Township Magistrate specially empowered to sanction, and that cases should, as far as possible, be tried in the place to which the accused and witnesses belonged. It is hoped that these orders, though they may reduce the number of prosecutions, will not decrease the power of the Magistrates in dealing with bad characters.

4. The total number of persons tried by Magistrates was 63,828 against 64,082 in 1887. The principal differences between the statistics of 1888 and 1887 were in the number of cases disposed of by Honorary Magistrates and in the number of cases disposed of summarily outside Rangoon. The number of cases of the latter kind was 4,075 in the year under review against 2,901 in the previous year. As the Judicial Commissioner points out, the increase in the number of summary trials was no doubt due to the diminution of serious crime. Magistrates had more cases of trivial and fewer of serious crime to try and consequently made use of their summary powers more largely. The increase in the number of cases tried by Honorary Magistrates took place entirely in Rangoon, where the Bench tried 7,971 persons against 4,086 in 1887. Outside Rangoon the number of cases tried fell off in consequence of a diminution in the number of prosecutions instituted under the Embankments Act in Henzada. The Chief Commissioner is glad to learn that the Honorary Magistrates in Rangoon discharged their duties in a satisfactory manner. He concurs in the remarks of the Judicial Commissioner as to the desirability of employing Honorary Magistrates in large towns to dispose of unimportant cases. He considers that as a general rule all cases of simple hurt, assault, trespass, and insult, as well as all cases under Municipal Acts and rules, should be tried by Honorary Magistrates in towns where Benches have been established. There was a small decrease in the percentage of convictions in Magistrates' Courts, the figures being for 1887

63·89 and for 1888 61·06. The number of persons brought to trial before Sessions Courts during the year was 2,020 against 1,573 in 1887. This increase was due partly to greater success in detection on the part of the police, partly to the fact that in 1887 894 persons, many of whom would ordinarily have been tried by Courts of Sessions, were brought to trial before Magistrates under the Lower Burma Gaols Delivery Act. There was a very perceptible increase in the percentage of convictions by Courts of Sessions outside Rangoon of from 64·19 in 1887 to 68·38 in 1888. The improvement was common to the Pegu, Irrawaddy, and Tenasserim divisions, and may probably be ascribed to the fact that the police were able to devote more time and attention to the preparation of cases for trial in 1888 than in 1887.

5. The number of sentences of death inflicted in 1888 was 83 against 39 inflicted in 1887. This increase was due to special causes which have been explained in paragraph 4 of the Resolution on the jails report for 1888. Sentences of transportation fell from 965 to 752, a decrease which corresponded to the decrease in robbery and dacoity. A noticeable feature of the statistics of punishments is the increase in sentences of whipping, which rose from 1,556 to 1,934. The Chief Commissioner remarked in the Resolution on last year's report on the expediency of a more frequent resort to this form of punishment for certain classes of crime. He is glad to learn that his remarks have had effect. The amount of fines imposed was nearly the same as in 1887, namely, about 3¾ lakhs. The realizations were slightly worse than those of the previous year. The number of witnesses examined was some 8,000 more than in 1887. The average duration of cases was seven days, the same as in that year.

6. Appeals were presented by 4,893 persons during the year under review and revisional jurisdiction was exercised in the case of 9,102 persons. The corresponding figures for the previous year were 4,908 and 7,634. There was an increase in the number of appeals to Sessions Courts and a decrease in the number of appeals to the Judicial Commissioner. These variations were probably due to the fact that the Gaols Delivery Act, appeals under which went to the Judicial Commissioner, was in force for the first half of 1887. The following table shows the manner of disposal of appeals in 1887 and 1888 :—

Year.	Percentage of appellants whose—		
	Appeals were rejected or sentences confirmed.	Sentences were reduced or altered.	Sentences were reversed.
1887	72·80	9·07	16·84
1888	80·70	6·82	10·81

It will be seen that there has been a considerable diminution in the percentage of interference with sentences of subordinate courts. The Judicial Commissioner thinks that this improvement is due to the remarks made by the Chief Commissioner in resolutions of recent years regarding unnecessary interference on the part of Appellate Courts. The Chief Commissioner is disposed to attribute it to an improvement in the work of Subordinate Magistrates, to which the careful inspections

carried out by the Judicial Commissioner have in great measure contributed. The variations in the percentages of appeals rejected by District Magistrates were not so marked as in 1887, but were nevertheless considerable. They varied from 84·09 in Akyab to 36·36 in Thayetmyo. The percentages in Bassein (64·71), Thôngwa (48·78), Mergui (37·50), Amherst (44·64), and Toungoo (61·90) were considerably below the average. In the Mergui, Toungoo, and Amherst districts it was to be expected that the averages should be low as the Burman Magistrates of the more remote townships of those districts are perhaps not quite on a level in point of knowledge and intelligence with the Magistrates of the more civilized parts of the country. It is, however, difficult to understand why the original sentence was upheld in only 48·78 per cent. of the appeals heard by the District Magistrate of Thôngwa, while it was upheld in 76·12 per cent. of the appeals heard in the adjoining district of Henzada. There are no differences between the two districts either in the nature of crime, the conditions of the country, or the qualifications of the subordinate Magistracy which can account for so marked a difference. It is impossible to escape the conviction that sentences of original Courts were disturbed to an unnecessary extent in some districts. The Chief Commissioner hopes that the Judicial Commissioner will keep a careful watch on Magistrates who show a disposition to reverse original sentences on insufficient grounds. Commissioners can also render much assistance, as suggested by the Judicial Commissioner, by examining the records of Appellate Courts from time to time.

By order of the Chief Commissioner,

C. G. BAYNE,

Officiating Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1888.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA.

THE following table shows the number of appeals instituted and pending, and their result :—

Court from which appeal preferred	Number of persons whose appeals were pending from last year.	Number of persons who appealed during 1888.	Result.			
			Rejected.	Dismissed.	New trial ordered.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Court of Session.	2	35	29	2	5	1

2. One capital sentence passed by the Additional Recorder of Rangoon exercising the powers of a Court of Session was referred to this Court for confirmation of sentence of death under section 60 of the Burma Courts Act (XVII of 1875). This reference was pending at the close of the year.

3. There was a reference by the Additional Recorder of Rangoon under section 307 of the Code of Criminal Procedure in a case in which he disagreed with the verdict of the majority of the jury acquitting the accused of the offence of murder. This Court found the accused guilty of the offence of murder and passed a sentence of death.

RANGOON :
The 4th March 1889.

W. F. AGNEW,
W. F. MERES,
Judges of the Special Court of Lower Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the administration of criminal justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1888

DURING the year 48 cases were committed to this Court as a Court of Session and seven as a High Court, making in all 55 cases.

2. The following table shows the different Courts from which the commitments were made during the year in comparison with the previous year :—

By whom committed.	1887.			1888.		
	As a Court of Session.	As a High Court.	Total.	As a Court of Session.	As a High Court.	Total
Junior Assistant Magistrate ...	17	...	17	22	...	22
Assistant Town Magistrate ...	20	3	23	23	2	25
District Magistrate, Rangoon Town .	4	1	5	3	...	3
District Magistrate, Henzada	...	1	1	...	...	...
District Magistrate, Thôngwa ...	...	1	1	...	...	
District Magistrate, Shwegyin ...	...	1	1	...	...	...
District Magistrate, Toungoo ...	...	...	...	.	1	1
District Magistrate, Pegu ..	...	.	...	...	3	3
District Magistrate, Ruby Mines ...	...	...	...		1	1
	41	7	48	48	7	55

All these 55 cases, including one pending from last year, were disposed of during the year.

3. The following table shows the number of persons sentenced by this Court as a Court of Session and as a High Court :—

Convicted	Acquitted.	Withdrawn.
55	30	3

4. The following table shows the different punishments inflicted :—

	Persons sentenced to						Detail of punishment									
		Transportation		Imprisonment			Six months and under		Two years and under		Seven years and under	Above seven years	Fine			
	Death	For life	For a term	Rigorous	Simple	Whipping in addition to rigorous imprisonment	Rigorous	Simple	Rigorous	Simple	Rigorous	Rigorous.	Amount of fine	Amount realized	Referred to Special Court.	Acquitted or withdrawn.
Recorder's Court exercising the powers of a Court of Session	1	3	17	31	1	3	3	1	7	.	19	2	325	305	1	23
Recorder's Court exercising the powers of a High Court	1	.	..	...	.		.	.			.		.	.		2
Total .	2	3	17	31	1	3	3	1	7		19	2	325	305	1	33

5. The capital sentence passed by this Court as a Court of Session was confirmed by the Special Court in the year 1889 and that passed as a High

Court was pending confirmation by the High Court of Calcutta at the close of the year. In this case the accused, an European British subject, was charged with the offence of murder committed in Bernardmyo, Upper Burma. The sentence of death passed by the Additional Recorder sitting as a High Court under the Burma Courts Act was referred to the High Court of Calcutta for confirmation and the prisoner also appealed. That Court has since held that it has no power to confirm the sentence, and the result of the ruling of that Court is the prisoner should have been tried by a jury of nine persons. In one case, in which the accused was charged with the offence of murder, the jury by a majority found him guilty of culpable homicide not amounting to murder. The Additional Recorder disagreed with this verdict and referred the case, under section 307, Criminal Procedure Code, to the Special Court as a High Court, and that Court found the accused guilty of murder and passed a sentence of death.

6. Eight European British subjects were tried during the year as against 10 in 1887.

7. Of those persons convicted and sentenced by the Recorder as a Court of Session during the year 28 persons appealed to the Special Court, and seven of those tried in the year 1887 also appealed during the year. Of these the appeals of 28 persons were rejected, that of one was dismissed, and in one case the sentence was set aside and a new trial was ordered, and the appeal of one person remained pending at the close of the year.

8. The following table shows the number of persons whose cases came before this Court on appeal and for revision from the findings and sentences of the District Magistrate, Assistant Magistrate, Junior Assistant Magistrate, and Honorary Magistrates of the Rangoon Town district together with the results:—

Magistrate from whose decision appealed.	Number of persons who appealed including those pending from previous year.	Rejected.	Confirmed.	Modified.	Reversed.	New trial ordered.	Enhanced.	Pending.
District Magistrate, Rangoon Town ...	25	17	2	5	...	1	...	...
Assistant Magistrate, Rangoon Town ...	141	74	21	5	17	13	2	9
Junior Assistant Magistrate, Rangoon Town	84	58	12	...	11	2	...	1
Honorary Magistrates, Rangoon Town ...	4	1	...	3	...	...	...	...
Total ...	254	150	35	13	28	16	2	10

9. Besides the above nine cases were sent up by the District Magistrate to this Court as a High Court and the same were disposed of during the year. There were also seven criminal miscellaneous applications, which were also disposed of by this Court.

10. The following abstract shows the total criminal work of the Recorder's Court for the year 1888:—

Sessions trials	56
References	9
Appeals and revisions	211
Miscellaneous	7
Total ...	283

as against 238 of all kinds in 1887.

11. Mr. F. W. Agnew acted as Recorder and Mr. R. S. T. MacEwen as Additional Recorder from the 1st January to the 20th January, and from the 21st January to the end of the year Mr. MacEwen officiated as Recorder and Mr. C. E. Fox officiated as Additional Recorder. All the original criminal business of the Court was taken up by the Additional Recorder.

THE MAGISTRATES' COURTS.

12. The subjoined table shows the number of offences, bailable and non-bailable, reported true during the year and the number of persons brought to trial, convicted, and acquitted as compared with last year :—

Year.	Number of offences reported as true.			Number of offences brought to trial.	Number of persons brought to trial.	Acquitted or discharged.	Convicted.	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non-bailable.	Bailable.	Total.								
1887 ...	938	8,154	9,092	9,058	14,062	3,442	10,377	76	...	5	162
1888 ...	899	7,862	8,761	8,746	14,059	4,962	8,761	80	3	3	250
Increase ...	...	...	...	...	...	1,520	...	4	3	...	88
Decrease ...	39	292	331	307	3	...	1,616	...	...	2	...

13. The District Magistrate observes that the decrease in non-bailable crime is satisfactory and substantial, and that the increase of acquittals and discharges is mainly due to the reluctance of the Bench of Honorary Magistrates to convict in petty cases. He further remarks that the present Assistant Magistrate has been a little too shy about convicting, especially in gambling cases, and that doubtless a large number of cases have been compounded out of Court.

14. The following table shows the fluctuation of grave crime as reported for the last few years :—

Year.	With violence.					Without violence		
	Against the person.				Against property.	Theft.	Others.	Total
	Murder.	Grievous hurt.	Hurt.	Total.				
1882 ...	11	21	141	173	27	867	72	939
1883 ...	17	41	133	191	62	1,349	92	1,441
1884 ...	27	18	139	184	28	1,491	108	1,599
1885 ...	13	32	176	221	23	1,331	90	1,421
1886 ...	9	15	188	212	9	908	32	940
1887 ...	12	12	416	440	10	985	49	1,034
1888 ...	9	32	423	464	15	944	77	1,021

15. The District Magistrate observes that there were five murders and four attempts to murder. Of the 32 cases reported as grievous hurt only 18 were returned as true. Most of the others proved to be simple cases of hurt or hurt with dangerous weapons, and many of the 423 reported cases of hurt would formerly have appeared as simple assaults. Almost all cases in which bodily pain is alleged to have been caused are now classed as hurt even if no marks of violence can be seen. He thinks that in several instances the Magistrates have failed to deal adequately with violent offence against the person.

16. The following table deals with less serious crime :—

Year.	Assault.	Insult.	Creating a disturbance.	Nuisance, Act V.	Breach of local rules.	Drunk and disorderly.	All others.	Total.
1882 ...	938	211	34	902	1,051	590	816	4,537
1883 ...	908	258	52	1,117	1,288	725	707	5,055
1884 ...	1,187	692	59	1,082	1,122	877	627	5,546
1885 ...	1,259	919	55	1,109	1,846	921	621	6,730
1886 ...	988	861	7	2,101	2,222	1,051	741	7,471
1887 ...	619	862	...	2,172	1,649	1,498	1,116	7,416
1888 ...	637	817	4	1,841	2,038	1,328	1,077	7,242

17. This statement calls for little comment. Cases of insult show a tendency to decrease, which the District Magistrate hopes the Magistrates will foster by a more free use of the provisions of section 203, Criminal Procedure Code; and he further remarks that too much time has been wasted over such cases, which might properly have been dismissed.

18. The following table deals with the more serious offences for the last few years :—

Year.	WITH VIOLENCE.										WITHOUT VIOLENCE.					
	AGAINST THE PERSON.								Against property.		Thefts.		Others.		Total.	
	Murders.		Grievous hurt.		Hurt.		Total.									
	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.	Reported.	Brought to trial.
1882	11	10	21	18	141	141	173	169	27	15	867	503	72	69	939	572
1883	17	17	41	29	133	133	191	179	62	44	1,349	555	92	85	1,441	640
1884	27	27	18	18	139	139	184	184	28	18	1,401	752	108	87	1,599	839
1885	13	6	32	32	176	176	221	214	23	19	1,331	588	90	80	1,421	668
1886	9	8	15	12	188	184	212	204	9	6	908	579	32	32	940	611
1887	12	12	12	8	416	401	440	421	10	10	985	680	49	49	1,034	729
1888	9	9	32	18	423	420	464	447	15	13	940	685	77	50	1,017	735

19. The following statement shows the statistics of violent crimes in greater detail :—

Offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed.	
	1887.	1888.	1887.	1888.	1887.	1888.
Murder	4	5	4	5	3	5
Attempt at murder	6	4	6	4	5	3
Culpable homicide	1	...	1	...	2	...
Grievous hurt	12	32	8	18	4	11
Hurt	367	369	362	368	250	180
Hurt with dangerous weapons ...	49	54	39	52	27	22

20. The District Magistrate remarks that the convictions have not been so numerous as they should have been, nor have punishments been sufficiently deterrent.

21. The following table shows the number of offences against property with violence as compared with the previous year :—

Nature of offence.	Offences reported.		Offences brought to trial.		Persons convicted and committed	
	1887.	1888.	1887.	1888.	1887.	1888.
Dacoity	3	2	3	2	10	4
Robbery	7	9	7	7	15	4
Extortion	6	6	6	6	1	4
Total ...	16	17	16	15	26	12

22. Of the two cases of dacoity one occurred in December 1887, but was brought to trial in January. The other was committed in August 1888 in the Bassein creek, some 14 miles from Rangoon, and that of the nine robberies reported seven were returned as true. The District Magistrate remarks that two out of these seven were merely technical robberies and should have been dealt with as thefts.

23. The following table shows the number of offences against property without violence as compared with last year :—

Nature of offence.	Number of offences reported.		Number of offences brought to trial.		Persons convicted and committed.	
	1887.	1888.	1887.	1888.	1887.	1888
Housebreaking with theft ...	20	30	20	30	15	26
Theft	985	940	680	685	541	535
Receiving stolen property ...	33	17	29	15	20	6
Total ...	1,038	987	729	730	576	567

24. The following table shows the work performed by the several Magistrates, the result of trials held before them, and the state of their files at the close of the year :—

Class of tribunal.	Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred	Remaining under trial	
							In custody.	On bail or recognizance
District Magistrate	207	15	69	117	6	...		
Assistant Magistrate ...	2,723	147	1,127	1,259	40		35	115
Junior Assistant Magistrate ..	1,948	27	519	1,292	32	2	18	53
Cantonment Magistrate ...	1,195	18	346	816	2	1	2	10
Honorary Magistrates	7,988	737	1,957	5,277	...	...	...	17
Total ...	14,056	944	4,018	8,761	80	3	55	195

25. The District Magistrate remarks that the Honorary Magistrates have been diligent in their work and they have given satisfaction to the public. At times he has been inclined to think their punishments, especially in Municipal cases, inadequate, but that they have tried 7,988 persons as compared with 4,117 last year. It appears that numerous petty cases are settled out of Court. More complaints have been dismissed without issuing process this year than last year. The District Magistrate observes that there is room for greater care and strictness. The acquittals and discharges were mostly by the Assistant Magistrate and the Honorary Magistrates.

26. The following table shows the punishment inflicted by the different Magistrates:—

Class of tribunal	Persons sentenced to.					Persons ordered to		Amount of fine.		
	Imprisonment									
	Solitary confinement	Simple.	Rigorous	Fine.	Whipping.	Give recognizance or security to keep the peace.	Give security for good behaviour.	Imposed.	Realized.	Awarded as compensation.
								Rs. A. P.	Rs. A. P.	Rs. A. P.
District Magistrate	...	..	28	4	9	...	81	1,310 0 0	815 0 0	...
Assistant Magistrate	..	37	374	892	90	7	1	11,242 2 0	8,478 6 0	203 8 0
Junior Assistant Magistrate ...	2	6	249	915	142	5	10	13,269 8 0	12,261 0 0	892 0 0
Cantonment Magistrate	.	1	51	757	15	...	1	4,406 11 3	3,629 11 3	39 0 0
Honorary Magistrates	..	...	5	5,278	...	...	...	11,891 15 3	11,156 7 3	205 8 0
Total	2	44	707	7,846	256	12	93	42,120 4 6	36,340 8 6	1,340 0 0

27. It appears that the Junior Assistant Magistrate has been more rigorous in his punishments than the Assistant Magistrate, and the District Magistrate remarks that even he has been inclined to deal too kindly with criminals. Only 93 persons were ordered to give security for their good behaviour. The District Magistrate observes that it is satisfactory that this decrease has not been accompanied by a corresponding increase in offences against property and that the police have been able to control the bad characters of Rangoon without resorting too frequently to the preventive sections of the Code.

28. The following table shows the detention of witnesses and the average duration of cases:—

Class of tribunal.	Number of witnesses discharged after.				Average duration of cases.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate	447	199	80	21	1¼	1·73
Assistant Magistrate	2,270	1,996	973	27	1¼	2·85
Junior Assistant Magistrate ...	1,975	2,131	751	23	2¾	2¼
Cantonment Magistrate ...	1,446	219	64	35	1¼	2·01
Honorary Magistrates	5,064	441	32	7	1½	1¾
Total ...	11,202	4,986	1,900	118	...	...

29. The District Magistrate remarks that this table is scarcely satisfactory, but part at least of what looks indifferent in the matter of detaining witnesses

may fairly be ascribed to greater accuracy in registration. The frequent changes of the Assistant Magistrates have tended to increase the average duration of cases before that Court. He further adds that there was a separate Cantonment Magistrate for nearly nine months of last year and none during the year under report Advocates are also increasing in number and their struggles for their clients retard the disposal of ordinary cases.

30. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883 and Act VII of 1883, and rules framed thereunder:—

No.	Subject.
1	Relative to a collision between the British India Steam Navigation Company's steamer *Coconada* and the ship *Reenée Rickmers.*
2	Relative to the grounding of the British barque *Ochtertyre.*
3	Relative to a collision off Godwin's wharf between H. M.'s I. M. S. *Irrawaddy* and a laden paddy-boat.
4	Relative to a charge against Mr. E. M. Simmonds.
5	Relative to a charge against Mr. C. Warburton.
6	Relative to a collision between the British India Steam Navigation Company's steamer *Africa* and a cargo-boat.
7	Relative to a collision between the British India Steam Navigation Company's steamer *Simla* and the pilot-vessel *Guide.*
8	Relative to the grounding of the S. S. *Nyanza.*

31. The following statement shows the Magistrates who have acted in the Rangoon Town district for the year 1888:—

Name.	Designation.	Remarks.
Colonel H. R. Spearman ...	District Magistrate	From 1st January to 28th February 1888.
Mr. D. Norton, C.S. ...	District Magistrate	From 29th February up to the end of the year.
Mr. J. Hewetson, C.S. ...	Assistant Magistrate	From 1st January to 12th April.
Mr. D. H. R. Twomey, C.S. ...	Assistant Magistrate	From 13th to 27th April.
Mr H. L. Tilly	Assistant Magistrate	From 28th April to 10th May 1888.
Mr. D. L. M. Mackay, C.S. ...	Assistant Magistrate	From 11th May up to the end of the year.
Maung Pe	Junior Assistant Magistrate	The whole of the year 1888.
Twelve	Honorary Magistrates ...	The whole of the year 1888.

32. The District Magistrate is of opinion that he should exercise his special powers and should as a rule try old offenders rather than send them before the juries, who deal too mercifully with them. He further remarks that these trials by juries too frequently have proved mere waste of time for Judges, jurors, prosecutors, and witnesses.

33. With regard to what the District Magistrate says regarding the exercise of his special powers I have to remark that, so long as I have first to confirm a sentence as Sessions Judge and then to have an appeal as a High Court, I shall most strongly object to the exercise of these special powers at all. I quite think with the District Magistrate that in many cases he might deal with old offenders and save the time of the Sessions Court. But it reduces the provisions of the Code to an idle farce if I have first to confirm his sentence under section 34, Criminal Procedure Code, and then hear an appeal sitting as a High Court. I do not think that juries deal too mercifully with old offenders, and the sentences passed are not lighter than those passed in Calcutta. I am not an advocate for excessively severe sentences. I believe that they defeat their object.

34. Excise cases have increased from 113 to 135 and stamp prosecutions from 62 to 186 for the year under review.

RANGOON:
The 11th April 1889.

W. F. AGNEW,
Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From W. E. WARD, Esq., C.S.I., Judicial Commissioner, Lower Burma, to the Secretary to the Chief Commissioner, Burma,—No. 319-35, dated the 16th May 1889.

I HAVE the honour to forward herewith the criminal justice returns for the lower province for 1888; their submission has been delayed owing to the district returns of Salween and Thayetmyo not being received until the middle of April and those of Bassein being received in an incomplete condition. The reasons given by the Magistrates of these districts are, in the case of Salween, the illness of the Head Judicial Clerk; in the case of Thayetmyo, the prolonged absence of the Deputy Commissioner from headquarters while hunting dacoits; and, in the case of Bassein, the submission of incorrect figures by the police. The returns include the figures for the Town of Rangoon. The report deals only with my own Court and the Courts subordinate thereto. The plan of the report does not follow exactly that of the previous year, but has been re-arranged under four sections, (I) Reported Crime, (II) Original Jurisdiction, (III) Appellate Jurisdiction, and (IV) Miscellaneous. The forms of some of the tables have also been revised to make it more clear what they include and exclude. The appended statements are the same as those submitted in previous years.

I.—REPORTED CRIME.

2. The total number of offences reported and the total number of offences returned as true, as compared with the figures for the previous year, are shown below.

Division	Name of district.	Cases reported		Cases rejected under section 203 of the Criminal Procedure Code and cases declared false or not entered as true		True cases		Percentage of true to reported cases	
		1887	1888	1887	1888	1887	1888	1887	1888.
ARAKAN	Akyab	2,395	3,357	408	194	1,987	3,163	82·96	94·22
	Kyaukpyu	1,809	1,755	460	346	1,348	1,400	74 24	80 28
	Sandoway	595	608	11	9	584	599	98 15	98 52
	Northern Arakan	61	19	1	3	60	16	98 36	84·21
	Total	4,860	5,739	886	552	3,974	5,187	81 77	90 38
PEGU	Hanthawaddy	1,904	1,727	6	46	1,898	1 681	99 68	97·34
	Pegu	2,459	2,797	112	48	2,347	2,749	95 45	98 28
	Tharrawaddy	2 900	2,752	23	55	2,878	2,697	99 24	98 00
	Prome	4,888	5,245	222	104	4,666	5,141	95 46	98 02
	Total	12,151	12,521	362	253	11,789	12,268	97·02	97·98
IRRAWADDY	Henzada	4,065	3,745	71	48	3 994	3,697	98·25	98 72
	Bassein	3,671	4 459	487	368	3,184	4,091	86 73	91 75
	Thôngwa	3,700	3 554	212	390	3,488	3,155	94 27	88 77
	Thayetmyo	2,777	2,342	20	41	2,757	2,301	99 28	98 25
	Total	14,213	14,100	790	856	13,423	13,244	94 44	93 93
TENASSERIM	Amherst	1,865	1,727	227	34	1,638	1 693	87·83	98 03
	Shwegyin	1,920	1,777	139	93	1,681	1 684	92 36	94 76
	Toungoo	1,630	1,816	33	65	1,597	1,751	98 00	96 42
	Tavoy	591	546	53	17	538	529	91·03	96 89
	Mergui	400	550	60	18	340	538	85·00	98 76
	Salween	85	74	27		58	74	68·23	100 00
	Moulmein Town	2 232	2,002	182	47	2,050	1,955	91 84	97 65
	Total	8,623	8,496	721	274	7 902	8,224	91 64	96 78
	GRAND TOTAL	39,847	40,858	2,759	1,935	37,088	38,023	93 08	95 26

I am not prepared to draw any comparison in the above table between the figures of the past year and those of 1887, as in more than one of the district reports there are indications that the figures of 1887 have not been correctly prepared in all districts, and that this Court's Circular No. 58 of 1885 has not been generally observed. This is very unsatisfactory. The difficulty lies in getting the subordinate Courts to understand this circular and to see that the annual statements which they submit are prepared in accordance with it. I can only trust that District Magistrates, when they inspect the Courts subordinate to them, will do all they can to explain the circular to the Myoôks and their Head Clerks, and to see that it is thoroughly understood.

The total number of cases reported last year was 40,858 as compared with 39,847 in the previous year, showing an increase of 1,011 cases. The number of true cases reported 38,923 shows an increase of 1,835 cases. In the Arakan and Pegu divisions there was an increase of reported crime; in the Irrawaddy and Tenasserim divisions there was a slight decrease. The increase in Arakan comes from the district of Akyab, where there has been unusual activity in the institution of Municipal cases. Increases of reported crime in other districts, except Bassein, are generally attributed by the District Magistrates to the fact that their districts are returning to the peace and quiet of former days, giving the police and also the people more time to prosecute petty cases. The Deputy Commissioner of Bassein gives no explanation of the increase of reported and true crime in his district.

In the statement below I have separated the true cases reported under special and local laws from cases under the Penal Code.

Year.	True cases reported.		Total
	Under Penal Code	Under special and local laws	
1884	24,689	7,359	32,048
1885	23,554	13,246	36,800
1886	23,181	11,052	34,233
1887	24,400	12,688	37,088
1888 ...	26,022	12,901	38,923

In the year of greatest disturbance, 1886, it will be observed that there was no numerical increase of offences reported under the Penal Code, although that year was one of very serious crime; there was also a considerable decrease of cases reported under special and local laws. The explanation is that the country was too disturbed for either the police or the people to find time or inclination to report and prosecute petty offenders.

The percentage of true to reported cases was last year 95·26 as compared with 93·08 in the previous year. In the Arakan division there is an improvement in this respect, though the percentages in Kyaukpyu and Northern Arakan give ground for suspecting that too many cases are struck off in those districts as false. The percentage in Thôngwa is also low.

3. The next table shows true offences reported under each class in the year 1888 as compared with the previous year.

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
ARAKAN	Akyab	1887	...	...	26	1	14	34	...	1	76	4	574	570	2	1	6	2	32	644	1,987	
		1888	2	...	49	5	28	59	...	2	127	..	542	691	1	...	22	5	37	1,593	3,163	
	Kyaukpyu	1887	...	...	10	18	6	40	3	...	86	2	207	488	...	...	...	3	67	413	1,343	
		1888	...	...	18	5	16	33	...	...	95	2	173	460	1	1	3	.	44	556	1,409	
	Sandoway	1887	...	...	4	...	3	4	3	...	12	1	80	301	...	...	1	2	35	138	584	
		1888	...	...	5	...	1	11	1	1	27	...	75	323	...	1	...	1	24	129	599	
	Northern Arakan	1887	...	...	2	4	...	2	2	...	2	...	13	23	...	...	2	1	1	8	60	
		1888	...	...	...	...	...	...	...	...	2	...	8	3	...	...	...	...	...	3	16	
	Total ...	1887	...	...	42	23	23	80	8	1	176	7	874	1,382	2	1	9	8	135	1,203	3,974	
		1888	2	...	72	10	47	103	1	3	251	2	796	1,477	2	2	25	6	105	2,281	5,187	
PEGU.	Hanthawaddy	1887	...	...	6	11	10	27	3	...	73	4	247	933	3	...	4	3	125	449	1,898	
		1888	...	...	10	11	23	16	...	...	73	7	215	806	1	...	5	5	103	406	1,681	
	Pegu	1887	...	...	16	29	6	109	2	...	52	2	344	1,058	1	1	19	2	63	643	2,347	
		1888	...	...	18	30	23	69	1	2	60	1	348	1,376	...	...	17	6	38	760	2,749	
	Tharrawaddy	1887	...	...	16	16	8	41	...	1	50	1	335	1,622	1	...	...	3	15	769	2,878	
		1888	1	..	19	22	6	80	2	2	59	1	305	1,379	...	...	8	3	23	787	2,697	
	Prome	1887	...	...	60	14	38	122	5	9	337	1	630	1,624	3	...	3	5	245	1,570	4,686	
		1888	...	...	47	13	12	135	1	15	339	1	749	1,856	2	...	17	10	208	1,676	5,141	
	Total ...	1887	...	...	98	70	62	299	10	10	512	8	1,566	5,237	8	1	26	13	448	3,431	11,789	
		1888	1	...	94	76	64	300	4	19	531	10	1,617	5,417	3	...	47	24	432	3,629	12,268	
IRRAWADDY	Henzada	1887	1	...	25	43	34	27	...	...	63	3	228	748	1	...	9	2	125	2,686	3,994	
		1888	...	...	37	24	9	15	...	5	34	1	268	1,147	4	...	15	7	114	2,017	3,697	
	Bassein	1887	4	1	18	38	18	63	4	9	296	...	424	1,305	3	...	13	19	152	817	3,184	
		1888	...	...	15	26	23	38	3	3	199	2	831	1,885	1	1	40	16	285	723	4,001	
	Thôngwa	1877	5	...	40	26	20	37	...	...	138	3	499	1,168	2	...	27	7	276	1,240	3,488	
		1888	1	...	57	31	15	44	...	3	116	11	497	1,030	10	...	17	10	231	1,082	3,155	
	Thayetmyo	1887	1	...	24	3	26	65	3	...	74	3	302	1,558	3	1	9	2	88	595	2,757	
		1888	...	...	14	16	21	101	1	1	74	1	295	1,155	2	2	14	2	92	510	2,301	
	Total ...	1887	11	1	107	110	98	192	7	9	570	9	1,453	4,779	9	1	58	30	641	5,338	13,423	
		1888	1	...	123	97	68	198	4	12	423	15	1,891	5,217	17	3	86	35	722	4,332	13,244	

Division.	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
TENASSERIM.	Amherst	1887	...	...	6	10	11	27	4	.	54	3	301	583	3	1	8	5	116	506	1,538	
		1888	1	...	8	5	13	16	1	1	32	3	286	608	4	2	6	4	131	572	1,693	
	Shwegyin	1887	3	...	17	6	23	63	...	1	32	...	149	695	...	...	7	15	148	327	16,81	
		1888	1	...	47	6	15	37	3	..	110	2	149	642	4	1	14	12	145	296	1,684	
	Toungoo	1887	...	...	1	2	7	33	2	1	56	...	230	762	1	5	2	11	65	419	1,597	
		1888	1	...	3	2	1	33	..	...	55	4	252	1,010	...	1	4	2	18	365	1,751	
	Tavoy	1887	...	...	4	2	2	6	...	...	16	1	185	240	...	...	...	5	33	44	538	
		1888	2	1	1	1	3	4	...	...	10	...	120	269	1	...	2	4	23	88	529	
	Mergui	1887	..	...	9	...	3	5	1	...	8	...	85	99	...	1	...	...	14	115	340	
		1888	...	...	4	...	1	2	...	...	17	...	109	210	1	...	...	...	31	163	538	
	Salween	1887	...	...	...	...	...	2	...	...	11	...	13	21	...	...	3	1	3	4	58	
		1888	..	...	...	3	1	3	...	...	...	...	14	20	...	...	4	5	12	12	74	
	Moulmein Town	1887	...	...	1	2	5	18	3	2	18	...	294	256	...	...	13	3	134	1,301	2,050	
		1888	...	..	2	3	3	14	...	1	14	...	275	293	3	...	9	10	165	1,163	1,955	
	Total ...	1887	3	...	38	22	51	154	10	4	195	4	1,257	2,856	4	7	33	40	508	2,716	7,902	
		1888	5	1	65	20	37	109	4	2	238	9	1,205	3,252	13	4	39	37	525	2,659	8,924	
	GRAND TOTAL	1887	14	1	285	225	234	725	35	24	1,153	28	5,140	14,254	23	10	126	91	1,732	12,688	37,098	
		1888	9	1	354	203	216	710	13	36	1,443	36	5,511	15,363	35	9	197	102	1,784	12,901	38,923	
	Increase ...	...	...	..	69	...	...	...	...	12	...	8	371	1,109	12	..	71	11	52	213	1,835	
	Decrease ...	...	5	..	...	22	18	15	22	...	10	...	..	...	...	1	...	...	...	...	...	

4. The annexed tables show in a collected form the principal offences reported against the person and against property for the two past years.

Offences affecting the Human Body.

Offence.	Reported cases.		True cases.	
	1887.	1888.	1887.	1888.
Murder (excluding dacoity cases with murder)	183	169	178	160
Attempt at murder	35	38	30	31
Culpable homicide	47	37	44	36
Attempt at culpable homicide	...	4	...	2
Grievous hurt	385	396	354	362
Rape	155	151	120	106
Unnatural offences	14	9	13	7
Hurt	1,680	1,908	1,524	1,698
Criminal force and assault	2,907	3,053	2,624	2,798

Offences against Property.

Offence.	Reported cases.		True cases.	
	1887.	1888.	1887.	1888.
Dacoity (with or without murder)	1,575	923	1,529	904
Robbery, including attempts	565	553	517	515
Housebreaking and lurking house-trespass	880	1,108	762	1,061
Other house-trespass	462	463	402	424
Criminal trespass	373	397	321	365
Cattle-theft	2,267	2,463	2,000	2,389
Other thefts and receiving stolen property	7,968	8,647	7,287	8,078

To the above offences may be added that of waging war against the Queen (sections 121 *et seq.*, Indian Penal Code). Of these there were 14 cases reported in 1887, out of which 11 occurred in the Irrawaddy division alone and three in Shwegyin. Last year only nine cases were reported, of which two were in Tavoy, two in Akyab, and one in each of the districts of Tharrawaddy, Thôngwa, Amherst, Shwegyin, and Toungoo.

The most satisfactory feature of the above tables is the sure indication they afford that the country is quieting down. There has been a marked falling off in serious crime and more especially in dacoity cases. The figures given below speak for themselves—

Year.	Number of true dacoity cases reported.
1884	120
1885	125
1886	2,156
1887	1,529
1888	904

The large decrease in dacoity cases last year is chiefly due to the following districts :—

District.	True dacoity cases reported. 1887.	1888.
Tharrawaddy	385	187
Bassein	243	87
Henzada	124	89
Shwegyin	199	43
Pegu	78	43
Prome	72	56

In the *Tharrawaddy* district there were many dacoit gangs in existence at the beginning of the year and organized violent crime was prevalent. For five months, the Deputy Commissioner states, no head could be made against the dacoits. Then there was a serious rising on the 1st July, culminating in an attack upon the railway. The offenders in this case were prosecuted under section 121, Indian Penal Code, for waging war. The authorities finally got the upper hand and the Deputy Commissioner reports that the year closed in comparative quiet, the leaders of the principal gangs having either been killed or disappeared. The Deputy Commissioners of *Bassein* and *Henzada* make no reference whatever in their reports to the subject of dacoity. The Deputy Commissioner of *Shwegyin* reports that organized gangs of dacoits have now disappeared altogether from his district. The Deputy Commissioner of *Prome* says that two gangs gave him some trouble in the beginning of the year, but that the country is now quiet. "A marked feature," he says, "was the disarmament of the district, which has produced a great effect in the diminution of dacoities." The Deputy Commissioner of *Toungoo* states that no organized band of dacoits obtained any footing in his district during the year and that the people show no sympathy with dacoits. There were a good many dacoities in this district at the beginning of the year, but they were the work of small local bands and of coolies who came from Upper Burma to work on the railway. In the *Akyab* district there was an outbreak of dacoity in April which resulted in the burning of the Myohaung guard and the murder of the police sergeant, the object being to rescue a notorious dacoit leader. In the *Amherst* district there has been an increase of dacoity, 15 cases having been reported in the past year as compared with four cases reported in 1887. A gang of dacoits disturbed the northern portion of the Thatôn subdivision and gave much trouble, but the gang is reported by the Deputy Commissioner to have been now completely broken up. In the *Tavoy* district there were four dacoities reported against one only in the previous year; but, with the exception of the serious rebellion that took place in February, the Deputy Commissioner says that there was very little serious crime in his district. The facts connected with the rebellion need not be set forth in this report in any detail. A certain Shan, an inhabitant of the district, set himself up as a Prince and, after attacking a police outpost and routing the police, declared himself an emissary of the Myingyun Prince, and tried to capture Tavoy and other places. After many failures his party broke up into two, one being under a pôngyi called Tha Dun, who, with 17 followers, has been arrested by the Siamese authorities and at the beginning of the current year, had been committed to the Sessions under section 121, Indian Penal Code. Many others connected with this rebellion have also been committed to the Sessions, and the Deputy Commissioner reports that the rebellion has now been completely stamped out. In the *Thayetmyo* district there was only a slight decrease in dacoity cases reported, and the Deputy Commissioner is still much occupied with hunting dacoits in a difficult country. He states, what is probably true, that many dacoits are chary about surrendering because every one who now surrenders has to be tried and must expect to be convicted. Many dacoits, however, have been killed, and the Deputy Commissioner looks forward with confidence to a great decrease in dacoity cases in 188 Altogether 213 dacoity cases were reported in this district against 225 cases in 1887.

Turning next to the other principal heads of offences against property it will be seen that there has been an increase of cases of cattle-theft, ordinary theft, and house-breaking and lurking house-trespass. This is what one would ordinarily expect as dacoity is being gradually put down. Those who no longer dare to dacoit, but cannot altogether give up the profession of stealing, now seek their means of livelihood by having recourse to less serious offences and taking other people's property in less serious ways. The increase in house-breaking cases is also partly due to the more correct classification of offences by the police, who in previous years not uncommonly brought all such cases under the simple head of theft.

The increase of cattle-thefts, however, has to be noticed. The number of such cases has, I find, been steadily increasing in the past five years from 936 cases only reported in 1883 to 2,389 reported last year. It is also certain that this last figure does not represent all the true cases that did actually occur last year. One Deputy Commissioner reports that the people have no confidence in the police and rarely report such cases until they have themselves tracked the offender and run him to earth. The districts in which this class of crime was most prominent last year are shown below—

District.	True cattle-theft cases reported
Pegu	439
Prome	392
Thayetmyo	313
Tharrawaddy	262
Toungoo	224
Shwegyin	172
Hanthawaddy	169

The District Magistrates concerned will doubtless take note of these figures. They scarcely require to be reminded of the circulars of this Court which have pressed upon their attention the necessity of dealing severely with offenders found guilty of this class of crime.

Taking together all classes of offences against property (Chapter XVII, Indian Penal Code) it will be seen that there has been an increase of 1,109 true cases reported, against which has to be set the large decrease of 625 dacoity cases already noticed.

Under the general head of offences against the human body there has been an increase of 371 true reported cases. There has been a decrease under all the more serious sub-heads, such as murder, attempt at murder, culpable homicide, and rape. The murder cases reported were somewhat above the number (143) reported in 1884, and considerably below the number (235) reported in 1886. The number of grievous hurt cases reported last year was much the same as the number reported in 1887, and there has been an increase of cases of simple hurt. On the whole, the figures relating to offences affecting the human body show much the same general result as those relating to offences against property, that is to say, serious crime of this class has decreased and petty crime increased.

Offences against special and local laws show a slight increase, the figures being 12,901 true cases reported in the past year against 12,688 cases reported in 1887. In 1887 there was an increase of 1,636 cases under this head. There was a large falling off in the number of embankment cases reported in the Henzada district, only 858 such cases having been reported against 1,548 reported in 1887.

II.—ORIGINAL JURISDICTION.

5. The following table shows the work done by the different classes of Magistrates and the extent to which they used their summary powers. Cases committed to the Sessions and disposed of by Magistrates under their special powers (section 34, Code of Criminal Procedure) are included in the table :—

Work done by all Magistrates.

Division	Name of district	Total cases tried by stipendiary and honorary magistrates. By Magistrate of district.	By other Magistrates	Total	Number of cases tried summarily. By Magistrate of district	By other Magistrates	Total	Percentage of cases tried summarily to total cases tried
Arakan	Akyab	172	2,238	2,410	8	802	810	33 61
	Kyaukpyu	281	1,038	1,319	36	78	114	8 64
	Sandoway	107	320	427	6		6	1 40
	Northern Arakan ...	15		15	7	..	7	46 66
	Total ...	575	3,596	4,171	57	880	937	22 46
Pegu	Hanthawaddy ...	278	1,152	1,430	1	42	43	3 01
	Pegu	126	1,590	1,716	13	3	16	93
	Tharrawaddy	189	1,951	2,140	27		27	1 26
	Prome	146	3,943	4,089	1	729	730	17 85
	Total ...	739	8,636	9,375	42	774	816	8 70
Irrawaddy	Henzada ...	115	2,992	3,107	...	492	492	15 84
	Bassein	140	2,802	2,942	...	155	155	5 27
	Thôngwa	134	2,873	3,007	2	212	214	7 12
	Thayetmyo	212	1,481	1,693	8	36	44	2 60
	Total ...	601	10,148	10,749	10	895	905	8 42
Tenasserim	Amherst ..	174	1,520	1,694	...		..	..
	Shwegyin ...	128	1,268	1,396	9	90	99	7 09
	Toungoo	232	973	1,205	6	131	137	11 37
	Tavoy ...	104	217	321	1		1	31
	Mergui	178	268	446	22		22	4 93
	Salween	46	24	70	10	...	10	14 29
	Moulmein Town ..	196	1,655	1,851	38	1,110	1,148	62 02
	Total ...	1,058	5,925	6 983	86	1,331	1,417	20 29
	Grand Total, 1888 ...	2,973	28,305	31,278	195	3,880	4,075	13 03
	Total, 1887 ...	2,688	28,073	30,761	229	2,672	2 901	9·43

The total number of cases disposed of by all classes of Magistrates, stipendiary and honorary, was much the same as in the previous year, namely, 31,278 as compared with 30,761 in 1887. The most noticeable increases and decreases occurred in the following districts :—

Akyab	+594
Henzada	−918

The increase of work in Akyab is only apparent, as the increase has been chiefly under Municipal cases, which are mostly disposed of by Honorary Magistrates. The decrease of work in Henzada is chiefly due to the falling off already noticed in the number of embankment cases.

District Magistrates disposed of 2,973 cases against 2,688 in the previous year. The districts in which this increase of work has fallen most prominently on the District Magistrates are—

Akyab	+132
Kyaukpyu	+142
Hanthawaddy	+116
Amherst	+ 82
Toungoo	+ 72
Mergui ..	+ 92

On the other hand the District Magistrates of Moulmein and Thayetmyo respectively show a decrease of 208 and 156 cases disposed of.

Magistrates other than District Magistrates disposed of 28,305 cases against 28,073 cases in 1887. The figures for each district do not vary much from those of the previous year. The chief increases and decreases are shown below.

Akyab	+462
Tharrawaddy	+309
Henzada	—876

The decrease in Henzada is due to the falling off in embankment cases.

District Magistrates rarely exercise their summary powers as they confine themselves to the more serious cases which cannot be summarily disposed of. Last year they disposed of only 195 cases by summary procedure as compared with 229 cases disposed of in 1887. On the other hand there has been a large increase in the number of cases disposed of summarily by other Magistrates, there having been 3,880 summary disposals last year as compared with 2,672 disposals in 1887.

On the whole there has been a reduction of criminal judicial work last year as compared with 1887 in the Courts of Magistrates other than District Magistrates; for although there has been a slight increase in the total cases disposed of by this class of Magistrates, the proportion of cases they have been able to dispose of summarily is much larger than in the previous year, owing to the offences tried being of a less serious character. In the case of District Magistrates, although there is an apparent numerical increase of 285 cases, this does not mean any actual increase of work, seeing that District Magistrates, like other Magistrates, have on the whole had less serious crime to deal with.

The table given above includes, as already stated, cases tried by the District Magistrates under their special powers. The number of cases disposed of last year under these powers was 623 as compared with 587 cases disposed of in 1887. This special work of District Magistrates has been steadily increasing of late years as will be seen later on from the number of references for confirmation of conviction and sentence to the Sessions Judges. All cases disposed of by Magistrates under their special powers are, of course, not necessarily referred to the Sessions Courts.

6. The next table shows the work done by Honorary Magistrates, including Benches and Special Magistrates in the past five years :—

Work done by Honorary Magistrates.

Division.	Name of district.	Persons disposed of.				
		1884.	1885.	1886.	1887.	1888.
Arakan	Akyab ...	178	226	397	591	747
	Kyaukpyu	...	...	...	154	122
	Sandoway	...	...	...		...
	Northern Arakan	...	..	...	...	...
	Total	178	226	397	745	869
Pegu	Hanthawaddy	...	...	...	...	...
	Pegu	...	..	.	...	14
	Tharrawaddy	...	...	...	...	.
	Prome	286	488	749	956	890
	Total	286	488	749	956	904
Irrawaddy	Henzada	896	1,397	189	1,558	317
	Bassein...	826	640	690	695	541
	Thôngwa	111	120	102	225	109
	Thayetmyo	...	...	...	252	166
	Total	883	2,157	981	2,730	1,133
Tenasserim	Amherst	96	181	191	200	182
	Shwegyin	...		...	8	64
	Toungoo	271	291	324	216	148
	Tavoy	...	...	...	.	4
	Mergui	...	...	.	...	...
	Salween	...	...	...	.	
	Moulmein Town	1,983	2,234	2,132	1,391	1,660
	Total	2,350	2,656	2,647	1,815	2,058
	Grand Total	3,647	5,527	4,774	6,246	4,959
	Percentage to total disposed of by all Magistrates.	8·83	11·18	10·16	12·31	9·98

There is a considerable decrease in the number of persons disposed of last year by Honorary Magistrates, which is almost entirely due to the fewer embankment cases brought to trial in the district of Henzada. In Moulmein, which in 1887 showed a large falling off in work done by Honorary Magistrates, there has been a satisfactory increase in the year under report. The figures, however, do not come up to those of 1886. In Burma, as in India, District Magistrates have to be constantly reminded of the desirability of employing Honorary Magistrates to the fullest extent possible, and in the large towns of Lower Burma there ought to be no difficulty in finding work for these gentlemen to do. The Deputy Commissioners of Akyab and Prome bear testimony to the good work done by Honorary Magistrates in their respective districts.

7. The following table shows the results of inquiries and trials before Magistrates for the whole province :—

Result of trials and inquiries before Magistrates.

Division.	District.	Persons under trial.	Convicted, committed, or referred under s. 34 or s. 123, C. C. P.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions and committals (column 4) to total tried (columns 4 and 5). 1887.	1888
Arakan.	Akyab	3,610	2,213	1,350	47	58·22	62·11
	Kyaukpyu	1,885	1,225	639	21	66 25	65·72
	Sandoway	610	407	202	1	63·85	66·83
	Northern Arakan	24	13	10	1	73 49	56·52
	Total ...	6,129	3,858	2,201	70	61·64	63·67
Pegu.	Hanthawaddy	2,766	1,713	964	89	54·98	63·99
	Pegu	2,879	1,536	1,235	108	51·44	55·43
	Tharrawaddy	3,531	2,233	1,228	70	56·13	64·52
	Prome	6,386	4,032	2,224	130	67·21	64 45
	Total ...	15,562	9,514	5,651	397	59·74	62·74
Irrawaddy.	Henzada	4,685	2,975	1,619	91	66·21	64·76
	Bassein	5,244	2,448	2,531	265	55·58	49·17
	Thôngwa	5,633	3,099	2,195	339	54·45	58·54
	Thayetmyo	2,809	1,696	979	134	64·90	63·40
	Total	18,371	10,218	7,324	829	59·76	58·25
Tenasserim.	Amherst	2,778	1,574	1,151	53	61·52	57·76
	Shwegyin	2,576	1,374	1,061	141	55·54	56·43
	Toungoo	1,765	1,065	682	18	64·63	60·96
	Tavoy	585	324	233	28	50·95	58·17
	Mergui	627	463	158	6	68·99	74·56
	Salween	104	71	25	8	69 86	73·96
	Moulmein Town	2,848	1,670	1,095	83	55·30	60·40
	Total ..	11,283	6,541	4,405	337	58·98	59·76
	Grand Total	51,345	30,131	19,581	1,633	59·79	60·61

The results given in this table show a slight improvement on the previous year. I give below a statement comparing the results of trials last year with the results obtained in 1887 in Bengal, Assam, and the Central Provinces.

	Percentage of convictions and committals to total tried.
Bengal	66·00
Assam	62·56
Central Provinces	60·63
Burma	60·61

The best results have been obtained in Mergui (74·56) and Salween (73·96), and the worst in Bassein (49·17), Pegu (55·43), Northern Arakan (56·52), and Shwegyin (56·43).

It has to be remembered always that the larger the number of cases tried under special and local laws the greater is usually the proportion of convictions as cases of acquittal under special and local laws are, or should be, rare. I find that last year the proportion of convictions in special and local law cases was a little over 72 per cent., whereas in cases under the Penal Code the proportion did not much exceed 46 per cent. These results are not as good as they should be.

8. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below.

Security cases.

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total number of persons concerned.	
		1887.	1888.	1887.	1888.	1887.	1888.	1887.	1888.
Arakan ...	Akyab ...	16	162	6	48	10	115	62·50	70·99
	Kyaukpyu ...	102	126	17	38	84	86	82·35	68·25
	Sandoway ...	27	30	8	4	19	21	70·37	70·00
	Northern Arakan	...	...	...	...	...	...	...	...
	Total ...	145	318	31	80	113	222	77·93	69·81
Pegu ...	Hanthawaddy ...	124	172	34	25	90	146	72·58	84·88
	Pegu ...	176	218	56	86	102	127	57·95	58·26
	Tharrawaddy ...	255	235	62	74	188	158	73·73	65·11
	Prome ...	334	386	125	87	205	297	61·38	76·94
	Total ...	889	1,011	277	272	585	723	65·80	71·51
Irrawaddy...	Henzada ...	731	768	197	161	534	604	73·05	78·65
	Bassein ...	686	261	113	88	569	168	82·94	64·37
	Thôngwa ...	505	413	131	88	373	310	73·86	75·06
	Thayetmyo ...	68	74	26	12	41	40	60·29	54·05
	Total ...	1,990	1,516	467	344	1,517	1,122	76·23	74·01
Tenasserim	Amherst ...	100	110	19	21	55	88	55·00	80·00
	Shwegyin ...	101	72	35	16	66	56	65·35	77·77
	Toungoo ...	95	172	24	36	66	136	69·47	79·07
	Tavoy ...	5	20	1	9	4	11	80·00	55·00
	Mergui ...	3	11	1	7	2	4	60·66	36·36
	Salween ...	1	2	...	...	1	2	100·00	100·00
	Moulmein Town ...	59	51	31	32	28	19	47·46	37·25
	Total ...	364	438	111	121	222	316	60·99	72·15
	Grand Total ...	3,388	3,283	886	817	2,437	2,383	71·93	72·95

The total figures show a slight decrease in the number of persons dealt with and the percentage of convictions (72·59) is much the same as it was in the previous two years. The large decrease in cases instituted in the Irrawaddy division is due to the Bassein district, where the number of institutions fell from 686 in 1887 to 261 in the year under review. The Deputy Commissioner of Bassein attributes this large decrease to the effect of the Chief Commissioner's Judicial Department Circular No. 17 of 1888, directing that prosecutions for bad livelihood must not be left to the discretion of the police.

There has been a considerable increase of cases in the district of Akyab which, the Deputy Commissioner says, is due to a large number of persons having been suspected of being concerned in the attack which has already been referred to as having been made by certain Shans and Burmans on the Myohaung guard for the purpose of rescuing a notorious dacoit leader. Omitting the Mergui and Tavoy districts, in which the figures are small, the worst percentages of convictions occur in the Moulmein, Bassein, Thayetmyo, Pegu, and Tharrawaddy districts. It is unnecessary to repeat what has been said in the reports of previous years regarding the desirability of enquiring into security cases on the spot. It is believed that District Magistrates as a rule recognize this and act up to the opinion expressed in this matter by the Chief Commissioner in paragraph 4 of his Resolution on this Court's report for 1886.

9. The number of persons committed to the Sessions and the proportion of convictions to committals is shown below :—

Committals to Sessions.

Sessions division.	Cases committed during the year.	Persons committed during the year.	Number of persons.			Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
			Convicted or referred under s. 374, C. C. P.	Acquitted.	Died, escaped, transferred, or pending.	1888.
1	2	3	4	5	6	7
Arakan	41	78	46	28	9	62·16
Pegu	186	457	318	135	41	70·20
Irrawaddy	217	418	276	160	22	63 30
Tenasserim	65	132	110	23	12	82·70
Moulmein	24	88	24	12	2	66·66
Total, 1888 ...	533	1,123	774	358	86	68·38
Total, 1887 ...	489	989	597	333	106	64 19

The total percentage of convictions shown in the above table is high as compared with other provinces on this side of India, as the following statement shows :—

	Percentage of convictions in Sessions cases.
Bengal (1887)	57·60
Assam (1887)	53·60
Central Provinces (1887)	60 00
Burma (1888)	68·38

This is probably due in a great measure to the fact that accused persons are in Burma rarely defended before the Sessions Courts by Advocates. It may also be remarked that a large proportion of the cases committed to the Sessions are dacoity cases, in which confessions by the accused before the committing officer or other Magistrate are exceedingly common and leave them little chance of obtaining an acquittal in the Sessions Court. The readiness with which the Burman dacoit confesses as soon as he is caught and tells against his companions in dacoity is a prominent feature in this class of criminals, and leads to many offenders being discovered and convicted who would otherwise go unpunished. The high percentage of convictions in the Tenasserim Sessions Court is noticeable, though it does not exceed the proportion reached in the Arakan division in the previous year. The Sessions Judge of Tenasserim says that in connection with the insurrection last year in Tavoy, to which reference has already been made, 31 persons were committed, of whom 30 were convicted within the year.

10. The number of persons referred to the Sessions under sections 34 and 123, Criminal Procedure Code, and the proportion of convictions to references, is shown below :—

References to Sessions under sections 34 and 123, C. C. P.

Sessions division.	Number of cases referred during the year.	Number of persons referred.	Number of persons			Percentage of convictions (column 4) to total disposed of (columns 4 and 5).
			Convicted.	Acquitted.	Died, transferred, or pending.	
1	2	3	4	5	6	7
Arakan	32	37	31	6	...	83·78
Pegu	165	229	208	9	11	95·85
Irrawaddy	184	324	292	25	3	92·11
Tenasserim	86	125	127	...	...	100·00
Moulmein	...	...	...	...	...	...
Total, 1888 ...	467	715	658	40	14	94·27
Total, 1887	352	467	442	11	9	96·29

These references to Sessions Courts are shown in the appended statements as work done by Sessions Courts, although the real work is done by the District Magistrate, who takes all the evidence and records the final judgment and order which is sent up for confirmation. The Sessions Judge of Tenasserim last year confirmed every conviction and sentence sent up to him, while the Sessions Judge of Arakan confirmed in only 83·78 per cent. of the persons sent up. These percentages must no doubt depend to some extent upon the qualifications and experience of the officers invested with special powers.

The number of references that have been made to Sessions Judges in the past five years is given below :—

Year.	Cases referred.	Persons referred.
1884	235	330
1885	245	329
1886	252	431
1887	352	467
1888	467	715

As already pointed out in paragraph 5, these figures do not include all cases disposed of by District Magistrates under their special powers. Both cases

disposed of, and references under sections 34 and 123, Criminal Procedure Code, have been steadily increasing in the past five years. I hope District Officers will not lose sight of this Court's Circular Nos. 43 of 1883 and 91 of 1884, nor of the remarks made by Mr. Jardine in paragraph 31 of the annual report of this Court for 1883, in which the tendency of Magistrates who are invested with special powers to usurp the functions of Sessions Courts is referred to. Dacoity cases should, I think, as a general rule, be committed to the Sessions, and especially those in which the prosecution relies upon the evidence of approvers and the confessions of the accused. The same remarks apply to all cases where the question of law arises on the facts as to whether the accused has committed the offence of murder, culpable homicide, or grievous hurt. Lastly, I think, that a District Magistrate should not try and convict under his special powers in cases in which he has personally taken an important part in bringing the accused to justice and in discovering the evidence against him.

11. The following table compares the sentences passed in Sessions Courts in the past two years :—

Punishments in Sessions Courts.

Class of punishment.	1887.	1888.
Death	87*	81*
Transportation for life	281	253
Transportation for a term	477	287
Rigorous imprisonment only	277	161
Simple imprisonment only	1	7
Fine only	2	1
Whipping only	10	4
Fine and whipping only	...	...
Rigorous imprisonment with fine	9	4
Rigorous imprisonment with whipping	5	3
Simple imprisonment with fine	...	...
Total ...	1,099	751

* Sentences confirmed by the Judicial Commissioner.

The marked decrease in the severity of sentences passed in 1887 was noticed in the report for that year. There has been a further decrease in the year under report, except under the head of death sentences, the number of which is higher than that of any of the previous five years as shown below.

Year.	Death sentences confirmed.
1883	25
1884	25
1885	25
1886	66
1887	87
1888	81

The increase in death sentences is, I believe, due to the capture and conviction of dacoit leaders, and of dacoits concerned in cases of dacoity with murder committed, many of them, during the disturbances of 1886 and 1887.

The large decrease in sentences of transportation for life and for a term, and of sentences of rigorous imprisonment is, of course, due to the decrease in serious crime, and notably in dacoity cases, which has already been noticed.

12. The next table shows the different classes of punishments inflicted in Magisterial Courts :—

Punishments in Magisterial Courts.

Division.	Name of district.	Total number of persons punished.	Fine only.		Whipping only.		Fine and whipping only.		Rigorous imprisonment only.		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping, or both.		Solitary confinement.		Transportation for a term.	
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.
Arakan	Akyab	2,147	1,419	66·09	96	4·47	..	..	503	23·43	9	·42	106	4·94	7	·33	..	..
	Kyaukpyu	1,132	676	59·72	36	3·18	..	..	308	27·21	12	1·06	77	6·80	..	..	..	..
	Sandoway	374	147	39 31	18	4·81	..	..	134	35·83	10	2·67	61	16·31	..	..	..	..
	Northern Arakan	10	9	90·00	1	10·00	..	..	..	..	..	..	..	..	..	..	..	..
	Total	3,663	2,251	61·45	151	4·12	..	..	945	25·80	31	·85	244	6·66	7	·19	..	..
Pegu	Hanthawaddy	1,543	975	63·19	78	5·05	..	..	450	29·16	5	·32	21	1·36	..	..	..	..
	Pegu	1,361	743	54·59	58	4·26	2	·14	430	31·59	13	·96	58	4 26	..	..	..	..
	Tharrawaddy	1,792	830	46·31	141	7·87	..	..	673	37·55	21	1·17	107	5·97	28	1·56	..	..
	Prome	3,869	2,374	61 36	213	5·51	..	..	909	23 49	24	·62	208	5·37	28	·72	..	..
	Total	8,565	4,922	57·47	490	5·72	2	·02	2,462	28·74	63	·73	394	4·60	56	·65	..	..
Irrawadd	Henzada	2,849	1,573	55·21	172	6·04	..	..	860	30·19	2	·07	40	1·40	..	..	..	..
	Bassein	2,164	1,378	63·68	104	4·81	..	..	489	22·59	10	·46	98	4·53	1	·05	..	..
	Thôngwa	2,964	1,888	63·70	184	6·21	5	·17	559	18·86	28	·94	114	3·85	19	·64	..	..
	Thayetmyo	1,396	634	45 42	97	6·94	1	·07	524	37·54	29	2·08	94	6·73	11	·79	..	..
	Total	9,373	5,473	58·39	557	5·94	6	·06	2,432	25·94	69	·73	346	3·69	31	·33	..	..
Tenasserim	Amherst	1,334	788	59·07	87	6·52	..	..	356	26·69	3	·22	75	5·62	1	·07	..	..
	Shwegyin	1,271	793	62·39	59	4·64	1	·08	325	25 57	6	·47	73	5·74	..	..	..	..
	Toungoo	976	512	52·46	59	6·05	1	·10	340	34·84	14	1·43	39	3·99	..	..	..	..
	Tavoy	278	171	61·51	15	5·39	1	·36	73	26·26	3	1·08	15	5·40	..	..	..	..
	Mergui	426	257	60·33	21	4·93	..	..	113	26·52	2	·47	33	7·75	1	·23	..	..
	Salween	64	7	10·94	2	3·12	..	..	27	42·91	10	15·62	16	25·00	..	..	..	..
	Moulmein	1,626	1,395	85·79	21	1·29	..	..	158	9·72	17	1·04	12	74	..	..	..	..
	Total	5,975	3,923	65·65	264	4·42	3	·0[illegible]	1,392	23·30	55	·92	263	4·40	2	·03	..	..
	Grand Total	27,576	16,569	60·08	1,462	5·30	11	·04	7,231	26·22	218	·79	1,247	4·52	96	·34	..	..

The figures given in the above table are only approximately accurate. The table was prescribed by me in 1884 and was taken from a similar table which appears annually in the Criminal Justice Reports of the Judicial Commissioner of the Central Provinces. It should be separately submitted from each district. It cannot be prepared from prescribed Statement No. 5, which includes one and the same person in more than one of its columns and is confusing on that account. The entry in column 3 of the table should agree with the total of the punishments shown in the succeeding columns. This agreement has never been effected in past years and cannot be effected now as District Officers have not supplied the needful figures. Column 3 wrongly includes security cases when there has been no imprisonment; the succeeding columns rightly exclude security cases in which there has been no imprisonment, and some of them probably include the same person or punishment twice over. Steps will be taken to have the table more correctly prepared for future reports. As now submitted it is sufficient to give a general idea of the classes of punishment inflicted by Magisterial Courts

There were no sentences of transportation passed by Magistrates last year as in the previous year, as the Gaols Delivery Act was not in force. Sentences of fine only formed 60·08 per cent. of the total number of punishments as compared with 61·58 per cent. in 1887. Only ·34 per cent. of the total number of persons punished were sentenced to solitary confinement. The extent to which Magistrates exercised their whipping powers will be noticed further on.

13. The degrees of each class of punishment inflicted in Sessions and Magisterial Courts are given below :—

Degrees of punishment in all Courts.

Degrees of punishment.	1887.		1888.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment (a)—				
Not exceeding 15 days	563	6·53	564	6·06
Exceeding 15 days and not exceeding six months ...	4,663	54·04	4,684	50 36
Exceeding six months and not exceeding two years ...	2,479	28·73	3,040	32·68
Exceeding two years and not exceeding seven years ..	886	10·27	966	10·39
Exceeding seven years	37	·43	47	·51
Total ...	8,628	100·00	9,301	100·00
Whipping (b)—				
Ten stripes and under	205	17·16	254	15·16
Eleven to 20 stripes	604	50·54	888	53·02
Twenty-one to 30 stripes	386	32·30	533	31·82
Total ...	1,195	100·00	1,675	100·00
Fine (c)—				
Rupees 10 and under	11,767	63·69	11,156	63·18
Exceeding Rs. 10 and not exceeding Rs. 50 ...	5,785	31·31	5,608	31·76
Exceeding Rs. 50 and not exceeding Rs. 100 .	672	3·64	658	3·73
Exceeding Rs. 100 and not exceeding Rs. 500 ...	240	1·30	222	1·25
Exceeding Rs. 500 and not exceeding Rs. 1,000 .	11	·06	13	·08
Exceeding Rs. 1,000	1		...	...
Total ...	18,476	100·00	17,657	100·00

(a) With or without fine or whipping. | (b) With or without imprisonment or fine.
(c) With or without imprisonment or whipping.

It can be ascertained from the above table that out of the total number of persons sentenced to imprisonment last year a little over 89 per cent. received sentences of two years' imprisonment and under. The proportion in 1887 was also a little over 89 per cent. Having regard to the decrease which has taken place in the past year in serious crime, one would ordinarily have expected an increase in the proportion of the lighter sentences of imprisonment. This,

however, may perhaps be explained by the increased number of whippings in the past year as compared with 1887.

The proportion to total whippings of whippings from 11 to 20 stripes shows an increase, and of 10 stripes and under a decrease, as compared with 1887, which is doubtless due to whipping having been more resorted to in theft cases.

The proportions of the different degrees of fines are much the same as in 1887. It will be observed that over 63 per cent. of the fines imposed did not exceed Rs. 10.

14. The following table shows to what extent the Criminal Courts have exercised their whipping powers :—

Exercise of whipping powers by all Courts.

District and division.	Total number of whippings awarded whether with or without imprisonment or fine.	Total number of other punishments in which no whipping was awarded.	Total of all punishments (*i. e.*, columns 2 and 3).	Percentage of column 2 to column 4.	Total number of convicted persons liable to punishment of whipping.	Percentage of column 2 to column 6.	Remarks.
1	2	3	4	5	6	7	8
Akyab	111	2,036	2,147	5·17	656	16·92	
Kyaukpyu	41	1,091	1,132	3 62	282	14·54	
Sandoway	28	346	374	7·49	93	30·11	
Arakan Hill Tracts ...	1	9	10	10·00	1	100·00	
Commissioner of Arakan ...	1	64	65	1·54	5	20·00	
Hanthawaddy	86	1,457	1,543	5·57	203	42·36	
Pegu	70	1,291	1,361	5·14	527	13 28	
Thayrawaddy	157	1,635	1,792	8·76	623	25 20	
Prome	233	3,636	3,869	6 02	1,119	20 82	
Commissioner of Pegu	3	482	485	·62	50	6·00	
Thôngwa	211	2,753	2,964	7·12	722	29·22	
Bassein	121	2,043	2,164	5 59	683	17 72	
Henzada	174	2,675	2,849	6 11	598	29·10	
Thayetmyo	100	1,296	1,396	7·16	324	30·86	
Commissioner of Irrawaddy	5	538	543	92	468	1·07	
Amherst	103	1,231	1,334	7·72	503	20·48	
Shwegyin	81	1,190	1,271	6·37	589	13·75	
Toungoo	69	907	976	7·07	122	56·56	
Tavoy	20	258	278	7 19	74	27·03	
Mergui	26	400	426	6·10	248	10·48	
Salween	3	61	64	4·69	24	12·50	
Moulmein Town	28	1,598	1,626	1·72	186	15·05	
Judge of Moulmein	3	21	24	12·50	11	27·27	
Commissioner of Tenasserim ...	...	211	211	...	51	...	
Total ...	1,675	27,229	28,904	5 79	8,162	20·52	

In considering this statement it will be understood that all magisterial officers have not got whipping powers. Steps, however, were taken during the past year to get all Courts invested with such powers the presiding officer of which had had sufficient experience and knowledge of the law to be trusted with them. Omitting the Arakan Hill Tracts, where the figures are small, the proportion of persons convicted who were whipped to convicts who were liable to whipping varied in Magisterial Courts from 42·36 in the Hanthawaddy district to 10·48 per cent. in Mergui. These limits of variation are far higher than those found in Bengal; but, if the figures given are reliable, they go to show that Magistrates in Burma do not now neglect to make use of their whipping powers

as they did five years ago. The attention of the Criminal Courts was drawn to this matter in my Circular No. 45 of 1884, it having then become apparent that Burman Magistrates were generally unwilling to exercise their whipping powers. The necessity for exercising such powers has also since then been frequently pressed upon the attention of all Magistrates, and the reports for the past year show that the instructions of this Court have been generally attended to, although there is still room for further improvement. It is doubtful, however, whether the figures given in column 6 of the above table are quite reliable. The correct filling up of this column requires a certain amount of legal knowledge not always possessed by the Head Clerks of the subordinate Courts who are generally entrusted with the preparation of the annual statements, and whose work is not always as closely supervised as it should be by the presiding officers of the Courts.

Turning to the proportion of whippings to total punishments it will be observed that there is less variation in the Magisterial Courts, and it is probable that the figures given are correct, seeing that their preparation requires no previous knowledge of the provisions of the Whipping Act.

Sessions Judges rarely sentence to whipping because few cases come before them in which the punishment of whipping is awardable on conviction. This, however, does not explain why the Sessions Judges of Irrawaddy and Tenasserim sentenced to whipping so rarely in cases where they might have so sentenced. Not a single sentence of whipping was passed last year by the Sessions Judge of Tenasserim, although there were 51 convictions in his Court in which he might have applied that sentence. In the Court of the Sessions Judge of Irrawaddy only one convict was sentenced to be whipped in every 100 liable to whipping.

I have always thought it a serious defect in the Whipping Act that there are no offences specified in it for which a sentence of whipping in addition to imprisonment is permitted on a first conviction. If the Criminal Courts of Burma were allowed, as they are allowed in Upper Burma by a special Regulation, to sentence persons convicted of dacoity, whether previously convicted or not, to whipping in addition to imprisonment, I cannot help thinking that this would have some effect in reducing the number of dacoities committed; and if persons convicted of dacoity could further be sentenced to periodical whippings during the period of their imprisonment in jail, in the same way that the law allows periods of solitary confinement to be awarded during imprisonment (section 73, Indian Penal Code), the effect would doubtless be greater still. To those who would urge that this last suggestion savours of cruelty I would reply that special crime requires special means for its prevention. This is already being recognized in England in the case of burglars, whom it is proposed, in a Bill now before Parliament, to introduce to that very deterrent instrument of punishment, the cat-o'-nine tails. But, whatever view may be held upon the question of subjecting the Burman dacoit during his term of imprisonment to periodical whippings, I can conceive no reason why he should not be whipped on first conviction, while there is, in my opinion, every reason on the other side why he should be whipped in every case where he is not found to be physically unfit to receive such punishment. Considering the brutal methods often adopted by the Burman dacoit for the purpose of discovering the money of which he robs his victim, philanthropy is, I think, altogether out of place when it exclaims against the brutality of subjecting such offenders to a sound flogging.

15. The next table shows how habitual offenders have been dealt with in the Criminal Courts :—

Sentences by all Courts on persons previously convicted.

Number of times previously convicted.	NUMBER OF PERSONS SENTENCED TO									
	IMPRISONMENT OTHERWISE THAN IN DEFAULT OF FINE.									
	Transportation.	Above seven years.	Seven years and under	Two years and under.	Six months and under.	Two months and under.	Fifteen days and under.	Fine only.	Whipping only.	Total
Persons previously convicted once	14	4	130	285	152	16	6	19	44	670
Persons previously convicted twice	15	8	118	78	14	8	...	1	5	242
Persons previously convicted thrice	14	..	67	11	1	...	...	...	..	98
Persons previously convicted four times	6	1	14	1	...	..		...	...	22
Persons previously convicted five times	1	...	6	...	...	...	...	...	...	7
Persons previously convicted six times	...	...	...	...	1	..	...	...	...	1
Persons previously convicted seven times.	..	...	...	...	..	...	...			...
Persons previously convicted nine times.	...	...	...	...		...	...	...	..	.
Total ...	50	13	335	375	168	19	6	20	49	1,035

This table, which was omitted from last year's report, but given in the reports of previous years, shows in a convenient form how habitual criminals have been dealt with in the past year. It may be compared with a similar table given by the Judicial Commissioner, Central Provinces, in his annual reports. All Criminal Courts have for some years past had their attention called both by the Chief Commissioner and by the Judicial Commissioner to the necessity of dealing severely with habitual criminals and, judging from my experience since I have been in charge in the present year and from what I recollect of the sentences passed on habituals in 1884, I do not think that it can be said that either Judges or Magistrates are, as a rule, overlenient in this respect, although isolated cases still occur, chiefly in the subordinate Courts, where the standing orders on the subject are either overlooked or disregarded. A case recently came before me in which the accused stole property of very trifling value (a few cheroot leaves) and for which an adequate sentence, had there been no previous conviction, would have been at the utmost, a whipping of 20 or 30 stripes, or six months' imprisonment. There were, however, six previous convictions against the man, all of which were apparently, judging from the sentences passed in them, petty theft cases of a similar character. The last sentence the prisoner had undergone was one of three years' rigorous imprisonment. The Sessions Judge sentenced the man to transportation for life. I do not think severity to this extent is quite called for. The habitual petty thief is not peculiar to Burma. He is no doubt everywhere a pest to society; but I doubt if he will be cured of his thieving propensities by subjecting him to excessive periods of incarceration. In the opinion of some, perhaps, prevention in such cases is better than cure; but, if the question of policy is to be considered, I think Judicial Officers should bear in mind the cost to Government and the tax-payer of maintaining a prisoner for the period of his natural life. I am not sure that long periods of imprisonment are not a direct encouragement to the habitual petty thief to continue his bad habits immediately he is released from the jail, where he has been so long well fed and cared for. He probably finds that on release he cannot, even though he would, secure a livelihood by honest means; he is glad, therefore, to get back to jail

quarters after trying to live an honest life of privation for a few months. If the Courts, including Sessions Courts, flogged habitual offenders oftener than they do, I do not think they would be so willing as they are now to undergo re-conviction and to return to jail quarters.

16. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainants, is shown below :—

	1887.			1888.		
	Rs	A.	P.	Rs.	A.	P.
Imposed	3,21,505	9	2	3,22,206	6	2
Realized	2,51,624	3	7	2,59,926	4	8
Remitted	5,291	4	0	6,967	13	9
Struck off	63,253	7	0	1,16,621	5	6
Compensation granted	30,993	2	2	27,898	5	1

The very large amount of fines struck off is noticeable. It exceeds the amount struck off in any of the previous five years as shown below.

Year.	Fines struck off. Rs.
1883	17,844
1884	30,777
1885	26,743
1886	33,941
1887	63,253
1888	1,16,621

I understand that the attention of Commissioners has been drawn more than once by my predecessor to the amount of unrealized fines outstanding at the close of each year, and that they have been repeatedly directed to enquire into the matter and to strike off whatever they considered unrealizable. This probably accounts for the large amount of fines struck off in the past two years. The tendency of Magistrates to impose larger fines than the accused can pay is common in India as well as here, and can only be checked by repeatedly reminding Magistrates of the necessity of conforming their sentences to the means of the accused. The largest amounts struck off were in the Pegu division (Rs. 71,796) and in the Tenasserim division (Rs. 24,109). The amount of outstanding balance at the commencement of 1888 was Rs. 2,89,226, and at the close of the year this had been reduced to Rs. 2,27,942, the reduction being of course chiefly due to the large amounts struck off.

17. The next table shows the detention of witnesses in Magisterial Courts and the number of witnesses examined :—

Examination and detention of witnesses in Magisterial Courts.

Witnesses discharged in all Courts.	1887.		1888.		Number of witnesses examined.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1887.	1888.
First day	98,551	85·73	103,693	85·96	...	...
Second day	12,453	10 84	13,838	11 47	...	...
Third day	2,470	2 15	2,275	1 88	...	...
After third day	1,462	1·28	822	69	...	...
Total ...	114,936	100 00	120,628	100 00	101,971	105,810

The percentage of witnesses discharged the first day is much the same as it was in the two previous years and, I think (assuming the figures to be reliable),

does credit to the Magistrates when their executive duties are taken into consideration. The figures given are based upon the witness attendance registers kept in each Court, and these registers, I know from experience, it is extremely difficult to get Magistrates to keep correctly. The remarks of the Judges of the High Court, Calcutta, in paragraph 59 of their Criminal Administration Report of 1887 show how careless even the Magistrates of Bengal are in keeping up these registers. I am, therefore, not disposed to put too much confidence in the figures given in the above table. All Commissioners and District Magistrates, when inspecting, ought to make a point of examining closely the witness registers of the subordinate Courts.

18. The following table shows the average duration of cases brought to trial and disposed of by Magistrates :—

Duration of cases in Magisterial Courts.

Division.	Name of district.	Total cases disposed of.	Total duration.	Average duration of all cases. 1887.	Average duration of all cases. 1888.
Arakan ...	Akyab	2,410	12,066	5	5
	Kyaukpyu	1,819	4,809	4	3
	Sandoway	427	1,757	5	4
	Northern Arakan	15	35	5	2
	Total ...	4,171	19,067	4	5
Pegu ...	Hanthawaddy	1,430	11,202	7	8
	Pegu	1,716	18,828	9	11
	Tharrawaddy	2,140	14,281	8	7
	Prome	4,089	37,434	7	9
	Total ...	9,375	81,745	8	9
Irrawaddy ...	Henzada	3,107	15,007	4	5
	Bassein	2,942	26,292	6	9
	Thôngwa	3,007	14,698	4	5
	Thayetmyo	1,693	15,699	6	9
	Total ...	10,749	71,691	5	7
Tenasserim ...	Amherst	1,694	10,251	6	6
	Shwegyin	1,396	6,841	7	5
	Toungoo	1,205	5,787	5	5
	Tavoy	321	2,087	6	7
	Mergui	446	1,453	3	3
	Salween	70	410	9	6
	Moulmein Town	1,851	9,971	6	5
	Total ...	6,983	36,750	6	5
	Grand Total ...	31,278	209,253	6	7

In the report for 1887 it was noticed that the average duration of cases in the whole province had been reduced from seven to six days. The duration last year has gone back again to seven days. In the districts of Pegu, Prome, Hanthawaddy, Bassein, and Thayetmyo the average of durations has not been good during the past year. This is no doubt due to the frequent absence from headquarters of the District Officers in search of dacoits. With quieter times the average durations should improve.

19. The duration of cases tried by Courts of Session in the past two years, calculated from the day of commitment, is given below:—

Duration of cases in Sessions Courts.

Sessions division.	Number of cases tried.	Total duration.	Average duration. 1887.	Average duration. 1888.	Remarks.
Arakan	41	1,182	29	28	
Pegu	191	9,812	61	48	
Irrawaddy	227	12,148	69	54	
Tenasserim	65	1,829	31	28	
Moulmein	24	633	28	26	
Total ...	548	25,049	54	46	

Every Sessions Court shows a reduction in the average duration of its cases, the reduction in the Pegu and Irrawaddy divisions being most marked. The Commissioner of Irrawaddy points out that the absence of railway communication in his division necessarily makes the duration of his cases longer than in other divisions more favourably situated in this respect.

III.—APPELLATE JURISDICTION.

20. The number of appeal cases disposed of last year by all Appellate Courts as compared with the previous four years is shown below—

Appellate Courts.	1884.	1885.	1886.	1887.	1888.
District Magistrates	668	810	639	618	580
Sessions Judges	1,475	1,809	1,418	1,752	2,305
Judicial Commissioner	447	372	1,174	1,009	859

The appellate work in Magisterial Courts shows a slight decrease last year, and is less than what it was four years ago. On the other hand, there has been a marked increase of appellate work in the Sessions Courts in the last three years. The divisions in which this increase has chiefly occurred is shown below—

Division.	Number of appeal cases disposed of. 1886.	1887.	1888.
Arakan	308	275	278
Pegu	456	546	856
Irrawaddy	332	501	720
Tenasserim	272	406	434
Moulmein	45	24	17

As stated further on, I do not think it can be said that the increase which has taken place in the appellate work of Sessions Judges can be attributed to any undue leniency on their part in appeal. From enquiries that I have made I think the explanation probably is that in the Pegu and Irrawaddy divisions there are more Magistrates now than formerly invested with first class powers, the effect of which is, of course, to transfer appellate work from the District Magistrate to the Sessions Judge. Then again, the Gaols Delivery Act was not in force last year which relieved Sessions Judges of much appellate work. Lastly, as has already been pointed out, petty crime increases as serious crime diminishes; more cases and persons are thus disposed of in Magisterial Courts resulting in more appeals to the Sessions.

In the Judicial Commissioner's Court the appellate work has fallen in the last two years, but is still more than double what it was in 1885. Fortunately the appellants are rarely represented by Counsel, otherwise it would be impossible to cope with the work. The large majority of appeals occur in dacoity cases. The great number of appeals in 1886 and 1887 was due to the increased number of Sessions cases tried in those years of disturbance, and to the Gaols Delivery Act, which threw much additional appellate work on the Judicial Commissioner.

21. The results of appeals disposed of in all Appellate Courts are shown in the next table—

Result of Appeals in all Appellate Courts.

Division.	Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were rejected.	Appeals were dismissed.	Sentences were reduced or otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed (colums 5 and 6) to total disposed of (column 4).
Arakan.	District Magistrate of Akyab ...	30	44	4	33	2	4	84·09
	District Magistrate of Kyaukpyu ...	53	56	...	39	3	14	69·64
	District Magistrate of Sandoway ...	64	70	24	20	13	11	62·86
	District Magistrate of Northern Arakan	...	...	...	...	...	...	...
	Sessions Judge of Arakan	278	298	212	18	25	42	77·18
	Total ...	425	468	240	110	43	71	74·79
Pegu.	District Magistrate of Hanthawaddy ...	19	21	5	11	2	3	76·19
	District Magistrate of Pegu	22	32	18	8	6	3	65·62
	District Magistrate of Tharrawaddy ...	15	20	6	9	2	1	75·00
	District Magistrate of Prome ...	20	22	1	15	2	4	72·72
	Sessions Judge of Pegu	856	993	678	195	50	62	87·91
	Judicial Commissioner, Burma ...	859	1,136	626	322	49	133	83·45
	Total ...	1,791	2,224	1,334	555	111	206	84·94
Irrawaddy.	District Magistrate of Henzada ...	49	67	...	51	13	3	76·12
	District Magistrate of Bassein ...	48	51	5	28	9	8	64·71
	District Magistrate of Thôngwa ...	34	41	...	20	8	13	48·78
	District Magistrate of Thayetmyo ...	20	22	1	7	4	7	36·36
	Sessions Judge of Irrawaddy ...	720	842	566	96	63	83	78·62
	Total ...	871	1,023	572	202	97	114	75·66
Tenasserim.	District Magistrate of Amherst ...	42	56	1	24	9	21	44·64
	District Magistrate of Shwegyin ...	77	90	12	47	12	17	65·56
	District Magistrate of Toungoo ...	28	42	18	8	5	11	61·90
	District Magistrate of Tavoy ...	2	2	...	1	1	...	50·00
	District Magistrate of Mergui ...	15	16	4	2	8	2	37·50
	District Magistrate of Salween ...	2	2	...	1	...	...	50·00
	District Magistrate of Moulmein ...	40	67	2	41	5	15	64·18
	Sessions Judge of Moulmein ...	17	19	7	7	...	5	73·68
	Sessions Judge of Tenasserim ...	434	474	14	416	18	24	90·72
	Total ...	657	768	58	547	58	95	78·78
	Grand Total 1888 ...	3,744	4,483	2,204	1,414	308	486	80·70
	In 1887 ...	3,379	4,546	1,924	1,380	411	771	72·68

The percentage of appeals rejected and dismissed after admission of appeal, in all Courts was 80·70 as compared with 72·68 in the previous year. In the years 1884, 1885, and 1886 the percentages were 68·34, 71·55, and 73·58 respectively. This steady rise in the proportion of appeals rejected and dismissed is no doubt in a great measure due to the remarks of the Chief Commissioner in his Resolutions on the reports of this Court for the past four years, in which it has been suggested that in some districts there were grounds for suspecting unnecessary interference on the part of the Appellate Courts.

The following statement is interesting as showing how the different classes of Courts have exercised their appellate powers in the past five years :—

Appellate Courts.	Percentage of appeals rejected and dismissed to total disposed of. 1884.	1885.	1886.	1887.	1888.
District Magistrates' Courts	58·55	58·69	62·26	60·55	63·94
Sessions Courts	71·15	75·82	77·51	80·63	84·12
Judical Commissioner	76·81	85·10	75·08	68·45	83·45

In District Magistrates' Courts it is to be expected that the percentage of appeals rejected and dismissed should be much lower than in Sessions Courts. As has been pointed out by the Deputy Commissioner of Amherst, many of the subordinate Courts are imperfectly acquainted with the law and, in addition to this, they have not the assistance of Advocates to guide them, since parties in petty cases are in the habit of conducting their cases themselves. In appeal, however, to the District Officer the Advocate comes in and discovers legal flaws which cannot be passed over by the Magistrate; the result is a modification, if not a total reversal, of the first Court's order. There is no doubt much truth in what the Deputy Commissioner says; and, in examining the percentages of different districts, I am not disposed to lay too much stress upon the differences observable, since some local knowledge, as well as acquaintance with the judicial capabilities of the officers whose orders are appealed against in each district, is necessary. There can be no doubt, from cases that have come before me in revision since I took charge in the current year, that many of the subordinate Courts do make mistakes in their application of the law to the facts found by them, as well as in drawing inferences from those facts; and, so long as interference in appeal is for the most part confined to such cases, I do not think that the Appellate Courts can be blamed for their interference. It is different if the Appellate Court interferes, without giving very strong ground for doing so, with findings of fact arrived at by a subordinate Court based on the testimony of witnesses whom that Court has declared to be fully trustworthy, but which the Appellate Court, basing its opinion merely on an examination of the record, declares to be unworthy of credit. Unnecessary interference of this kind is mischievous and has to be checked, as it always has been, by this Court on the general ground that, unless the presiding officer of the subordinate Court is incapable or inefficient, his opinion upon the credibility of witnesses whom he has personally examined is far more likely to be correct than that of the Appellate Court. As the time which the Judicial Commissioner can spare for tours of inspection is limited, and the area of inspection large and in parts not easily traversable, Commissioners of Divisions would assist me much if, in view of the above remarks, they would occasionally send for and examine the appeal records of those District Officers who in their quarterly returns show a larger proportion of decisions reversed or modified than appears reasonable, having regard to the qualifications and experience of the presiding officers of the subordinate Courts whose decisions have been upset or altered. Should they consider from a perusal of the records that any District Officer is disposed to interfere unnecessarily in appeal, his attention should be called to the above remarks and to the Resolutions of the Chief Commissioner on the annual reports of this Court for past years, to which I have already referred. The subject should also be noticed in their annual reports. In the past year, omitting districts in which the figures are small, the greatest amount of interference suggesting enquiry occurred in the District Courts of Thayetmyo, Amherst, and Thôngwa, in all of which less than 60 per cent. of the appeals were rejected or dismissed. I may mention for purposes of comparison that in Bengal and the Central Provinces District Magistrates in 1887 rejected or dismissed the appeals of nearly 67 and 66 per cent. respectively of the appellants disposed of.

In Sessions Courts, it cannot, I think, be said that there has been excessive interference in appeal. The Sessions Judge of Tenasserim rejected or dismissed nearly 91 per cent. of the appeals. The average for all Sessions Courts is 84·12 per cent. and has been steadily rising during the past five years. In Bengal I find the average for Sessions Courts was, in 1887, under 66 per cent.; in the Central Provinces it was a little over 74 per cent. The percentage in different provinces doubtless varies according to the extent to which appellants employ Advocates to represent them, and also to the ability of the Advocates employed. In the Sessions Courts of this province I believe that Advocates rarely appear on behalf of appellants.

In the Judicial Commissioner's Court the percentages of non-interference have varied considerably from year to year during the past five years. For the

results of 1884 I am chiefly responsible as I was in charge during the greater part of that year. During the years 1885 to 1888 inclusive Mr. Meres was in charge. I think it not improbable, though I cannot of course speak from personal knowledge on this point, that the increased proportion of appellants whose appeals were rejected or dismissed in this Court during the past year may be in a great measure due to greater care having been exercised by Sessions Courts, and also by District Magistrates in the exercise of their special powers, in trying cases. The years 1886 and 1887 were years of trouble, anxiety, and much overwork, when District Officers certainly, and Commissioners I believe also, had their hands too full to allow of their giving the same time and care to the recording and critical examination of evidence that they are able to give when cases are tried by them in more peaceful times; and it may be that, under the circumstances, convictions occurred upon evidence which was found on examination by the Judicial Commissioner to be insufficient, and which had, therefore, to be set aside or modified in appeal.

22. The next table shows the result of references of death sentences to the Judicial Commissioner:—

References to Judicial Commissioner under section 374, C. C. P.

Reference by whom made.	Sentences.				
	Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge of Arakan	15	4	6	5	...
Sessions Judge of Pegu	41	32	8	8	8
Sessions Judge of Irrawaddy	27	24	1	2	...
Sessions Judge of Tenasserim	26	20	4	2	...
Sessions Judge of Moulmein	1	1	...	...	...
Total, 1888 ...	110	81	14	12	8
Total, 1887 ...	68	37	18	6	5

The large number of death sentences confirmed last year has already been noticed in paragraph 11. In the cases of 26 appellants out of 107 disposed of the sentence was either reduced, altered, or reversed.

23. The next two tables show the revision work of the Judicial Commissioner with results:—

References to Judicial Commissioner under section 438, C. C. P.

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	District Magistrate of Akyab	14	22	4	4	1	5	2	7	One new trial.
	District Magistrate of Kyaukpyu.	9	15	8	...	1	1	...	...	Five new trials.
	District Magistrate of Sandoway.	5	14	1	...	...	13	...	...	
	District Magistrate of Northern Arakan.	...	...	...	...	...	...	...	...	
	Sessions Judge of Arakan ...	23	47	11	6	13	13	1	3	One new trial.
	Total ...	51	98	24	10	15	32	3	10	Seven new trials.
Pegu.	District Magistrate of Hanthawaddy.	6	6	2	1	1	2	...	...	
	District Magistrate of Pegu ...	42	86	28	...	13	31	7	14	
	District Magistrate of Tharrawaddy.	15	15	2	4	4	2	3	3	
	District Magistrate of Promo	22	44	14	1	2	23	3	4	
	Sessions Judge of Pegu ...	17	32	5	...	1	21	4	5	
	Total ...	102	183	51	6	21	79	17	26	
Irrawaddy.	District Magistrate of Henzada.	6	10	6	2	...	2	...	...	
	District Magistrate of Bassein	13	19	10	...	...	9	...	...	
	District Magistrate of Thôngwa.	37	60	17	2	1	31	4	5	Four new trials.
	District Magistrate of Thayetmyo.	14	17	7	...	4	6	...	...	
	Sessions Judge of Irrawaddy	25	45	13	..	5	19	1	2	Six new trials.
	Total ...	95	151	53	4	10	67	5	7	Ten new trials.
Tenasserim	District Magistrate of Amherst.	3	3	1	1	1	...	...	...	
	District Magistrate of Shwegyin.	2	5	3	...	...	2	...	...	
	District Magistrate of Toungoo.	5	6	2	...	...	2	2	2	
	District Magistrate of Tavoy...	3	4	2	...	...	2	.	...	
	District Magistrate of Mergui	9	22	10	...	6	6	...	...	
	District Magistrate of Salween.	...	...	...	...	...	...	...	...	
	District Magistrate of Moulmein.	...	...	...	...	...	...	...	...	
	Sessions Judge of Moulmein	7	9	2	...	...	3	1	3	One new trial.
	Sessions Judge of Tenasserim	7	7	5	...	...	2	..		
	Total ...	36	56	25	1	7	17	3	5	One new trial.
	Grand Total, 1888 ...	284	488	153	21	53	195	28	48	Eighteen new trials.
	Total, 1887 ...	266	462	163	12	59	160	32	52	

Cases called for by the Judicial Commissioner under section 435, C. C. P.

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab	97	154	87	8	15	24	22	24	One proceedings quashed.
	Kyaukpyu	44	61	42	1	4	7	6	7	
	Sandoway	82	47	22	...	14	3	8	8	
	Northern Arakan	2	2	1	...	...	1	...	...	
	Sessions Judge of Arakan ...	2	6	6	...	...	...	...	...	
	Total ...	177	270	158	4	33	35	36	39	One proceedings quashed.
Pegu.	Hanthawaddy	57	222	157	...	16	41	7	7	One new trial.
	Pegu	57	124	57	1	18	52	1	1	
	Tharrawaddy	223	397	203	3	70	42	40	77	Two new trials.
	Prome	197	280	129	1	33	76	35	40	One new trial.
	Sessions Judge of Pegu ..	1	1	...	...	...	1	...	...	
	Total ...	535	1,024	546	5	132	212	83	125	Four new trials.
Irrawaddy.	Henzada	127	257	130	...	11	113	3	3	
	Bassein	156	310	102	1	9	67	64	129	Two new trials.
	Thôngwa	102	153	101	..	8	24	13	19	One new trial.
	Thayetmyo	56	100	49	...	2	28	9	21	
	Sessions Judge of Irrawaddy ...	1	1	1	...	...	...	...	...	
	Total ...	442	821	383	1	30	232	89	172	Three new trials.
Tenasserim.	Amherst	67	121	46	1	4	51	16	18	One new trial.
	Shwegyin	97	177	105	...	9	45	9	18	
	Toungoo	82	106	66	...	3	28	9	9	
	Tavoy	17	30	10	...	2	16	2	2	
	Mergui	29	48	26	1	8	9	4	4	
	Salween	6	11	4	...	...	7	...	...	
	Moulmein Town	19	19	12	2	...	1	4	4	
	Sessions Judge of Moulmein ...	9	20	20	...	...	...	...	...	
	Sessions Judge of Tenasserim ..	2	2	...	1	...	1	...	...	
	Total ...	328	534	289	5	26	158	44	55	One new trial.
	Grand Total, 1888 ...	1,482	2,649	1,376	15	221	687	252	391	Eight new trials and one proceedings quashed.
	Total, 1887 ...	1,516	2,697	1,314	6	383	148	409	843	

Taking the above two tables together it will be seen that altogether 1,486 cases, involving 2,671 persons, were disposed of by my predecessor in revision, with the result that the sentences of 1,529 persons (57·24 per cent.) were confirmed, those of 36 persons (1·35 per cent.) were enhanced, those of 274 persons (10·26 per cent.) were reduced, and those of 832 persons (31·15 per cent.) were reversed. I doubt if there is any province in India in which such a large amount of revisional work is done by the Chief Court of the province. In Bengal and Assam there is no revisional work done by the High Court on its own motion, and I believe that the other High Courts of India also do not exercise their revisional powers except on application or reference. In the Central Provinces the Judicial Commissioner in 1887 revised on his own motion 472 cases, involving 736 persons, which represents about one-third of the work done by this Court in the past year as shown upon paper. It is my intention during the current year to adopt a somewhat different system in dealing with revisional cases on my own motion. As was noticed in this Court's report for 1887 the principal errors discovered by the Judicial Commissioner on revision consist in the Subordinate Magistrates disregarding the provisions of section 65 (and, I may add, of sections 66 and 67) of the Indian Penal Code. These errors are discovered on the monthly statements of offences tried, and sentences passed, by Magistrates which are sent up to me from each district through the Commissioner. In a very large number of cases, however, the illegal sentence of imprisonment passed has either been undergone by the accused before the monthly statement is received, or else he has paid the fine in default of payment of which the illegal sentence of imprisonment was imposed. In all cases where imprisonment has not actually been undergone no object that I can see is gained by sending for the record and passing a formal order on revision which cannot equally be secured by a simple resolution on the monthly statements pointing out to the Magistrates concerned the errors they have committed. This will be done in future, and much time and trouble will thus be saved in the offices both of my Court and of the subordinate Courts. The result will be that the second of the two tables given above will in future show fewer cases called for and disposed of by the Judicial Commissioner in revision than in previous years; but this is of no great importance so long as the work of revision is not relaxed, as it certainly will not be, under the new procedure. Even now all the revisional work done by the Judicial Commissioner is not shown in the above table as a good deal of such work is done on inspection tours. The second of the above tables, in short, only shows cases sent for and formal orders passed thereon under section 435 of the Criminal Procedure Code.

The Judicial Commissioner's revisional work might be more thoroughly done if he always had a Registrar of some judicial experience to assist him. All the time that I can spare from my criminal and civil appellate and other miscellaneous work, which has increased much in the past four years, is given to the examination of the criminal monthly statements sent up from the 19 districts of this province, and showing every conviction and sentence passed by every Magistrate in each district. An intelligent Assistant Commissioner or Extra Assistant Commissioner of three or four years' standing, and with practical judicial experience, could, as Registrar of my Court, relieve me of much, if not the whole, of this work of examining the monthly statements, and at the same time examine them more carefully than I can spare time to do. The Judicial Commissioner would, of course, continue to pass the necessary orders on revision, but the Registrar might be trusted, as I believe he is trusted by the Judicial Commissioner of the Central Provinces, to make a proper selection from the monthly statements of cases which *primâ facie* seem to call for revision. In the last two years there have been no less than four changes of Registrars, and the young officers who have been newly appointed within this period have been removed just when they had acquired some knowledge of their work and were beginning to be useful.

24. The following table shows the revision work done by Sessions Judges and Magistrates, that is to say, the number of cases sent for and examined and either referred to the Judicial Commissioner for revision, or returned as calling for no orders in revision :—

Revision work of Sessions Judges and Magistrates.

Revising Court.	Number of cases examined during the year, including those pending from last year	Number of persons whose cases were examined in revision	Number of cases disposed of.	Number of persons disposed of.	Number of cases pending.	Number of persons pending.	Remarks.
Sessions Courts	1,142	1,758	1,010	1,559	132	199	
District Magistrates	2,482	4,135	2,304	3,783	178	352	
Total, 1888 ...	3,624	5,893	3,314	5,342	310	551	
Total, 1887 ...	2,620	4,389	2,379	3,947	241	442	

Both Sessions Judges and District Magistrates have, I am glad to find, given increased attention during the year to revisional work. I give below the names of those officers who have been most attentive to this work.

Name of officer.	Cases examined.
Commissioners—	
Colonel H. R Spearman (Irrawaddy)	413
Mr H. Buckle (Arakan)	382
Deputy Commissioners—	
Major C. A Cresswell (Akyab)	283
Mr. A. M. B Irwin (Pegu)	262
Mr F. S. Copleston, Lieutenant Colonel G. Alexander, Mr G. L. Weidemann } Prome	245
Lieutenant T. G. Johnson (Thôngwa)	234
Mr. A. S Fleming and Mr H P. Todd-Naylor (Tharrawaddy) ...	208
Mr. K. G Burne (Thayetmyo)	194

The following District Officers have done little or no revision work :—

District Magistrate.	Cases examined.
Salween	.
Henzada	23

The Commissioner of Irrawaddy very truly remarks that there is far too little revision work done in the Henzada district.

IV.—MISCELLANEOUS.

25. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges.		Remarks.
				Salaries of process-serving establishment.	Contingencies, &c.	
			Rs. A. P.	Rs. A. P.	Rs. A. P.	
Arakan.	Akyab	2,815	1,776 0 0	1,920 0 0	226 15 0	
	Kyaukpyu	888	602 8 0	522 0 0	36 12 0	
	Sandoway	333	223 8 0	264 0 0	.....	
	Northern Arakan ...	11	.....	225 0 0	111 3 0	
	Total ...	3,497	2,602 0 0	2,931 0 0	374 14 0	
Pegu.	Hanthawaddy	1,498	1,087 8 0	492 0 0	36 4 0	
	Pegu	3,594	1,059 0 0	1,426 0 0	2 14 0	
	Tharrawaddy	1,174	762 8 0	693 12 0	55 0 3	
	Prome	3,387	2,312 0 0	1,920 0 0	.....	
	Total ...	9,653	5,221 0 0	4,531 12 0	94 2 3	
Irrawaddy.	Henzada	3,370	2,499 8 0	2,976 0 0	.. ...	
	Bassein	4,163	3,071 12 0	1,680 0 0	6 4 0	
	Thôngwa	4,077	3,047 8 0	1,152 0 0	52 0 0	
	Thayetmyo	1,378	984 2 0	546 0 0	22 0 0	
	Total ...	12,988	9,602 14 0	6,354 0 0	80 4 0	
Tenasserim.	Amherst	1,945	1,425 8 0	511 8 0	4 0 0	
	Shwegyin	1,969	1,398 0 0	1,724 0 0	205 2 6	
	Toungoo	1,069	766 8 0	825 0 0	.....	
	Tavoy	600	460 8 0	336 0 0	.....	
	Mergui	677	437 8 0	168 0 0	.....	
	Salween	142	112 0 0	.....	.....	
	Moulmein Town	2,416	1,941 8 0	2,148 0 0	44 6 0	
	Total ...	8,818	6,541 8 0	5,712 8 0	253 8 6	
	Grand Total ...	34,956	23,967 6 0	19,529 4 0	802 12 9	

If is satisfactory to observe that three out of the four divisions show a surplus. In 1887 there was a deficit in the Arakan and Tenasserim divisions. The districts of Akyab, Sandoway, Northern Arakan, Pegu, Henzada, Shwegyin, Toungoo, and Moulmein show deficits which will be enquired into and their establishments reduced if possible.

26. In my Civil Justice Report I have given a list of the districts visited by my predecessor, and I have there named the officers who have done commendable work in inspection. As there are many districts and Courts that the Judicial Commissioner cannot find time to visit, and as the time which he is able to give to inspection, even in those districts which he is able to include in his inspection tours, is necessarily very limited, it is absolutely essential, in order to keep the subordinate Courts up to a proper standard of efficiency, that they should each be inspected at least once in every year either by the Commissioner or the District Magistrate, while the Court of the District Magistrate himself should invariably be inspected once a year at least by the Commissioner or Judicial Commissioner. Though I am imperfectly acquainted with the conditions of many of the districts in this province, I do not think that the amount of inspection here required is excessive.

27. Mr. Meres was in charge of the office throughout the year.

W. E. WARD,
Judicial Commissioner, Lower Burma.

RANGOON:
The 13th May 1889.

APPENDICES.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Showing the number of Judicial Divisions and the number of officers exercising Appellate or Original Jurisdiction in Lower Burma on the last day of the year 1888 with the cost of tribunals.

Name of province		Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction. Judges of Chief Court of province.	Judges of other Court superior to Chief District Court's	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other subordinate Courts.	Total number of cases decided. Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		sq. m.														Rs. A. P.	Rs. A. P.
Lower Burma. Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Criminal ...	87,220	3,736,771	6	20	36	3	5	20	80	127	41,000	492	3,916	4,876	3,40,384 11 8	5,86,813 11 8
	Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lower Burma. Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total ...	87,220	3,736,771	6	20	36	3	5	20	80	127	41,000	492	3,916	4,876	3,40,384 11 8	5,86,813 11 8

Remarks. Grades of Judicial Officers.	European.	Native.	
Judicial Commissioner ...	1	...	Officers exercising both original and appellate jurisdiction.
Recorder of Rangoon ...	1	...	
Additional Recorder ...	1	...	
Sessions Judges	4	...	
Judge of Moulmein... ...	1	...	
District Magistrates ...	20	...	
Assistant Commissioners ...	22	1	Officers exercising original jurisdiction only.
Extra Assistant Commissioners	3	16	
Myoóks	7	96	
Cantonment Magistrates ...	3	...	
Special Magistrates ...	1	1	
Honorary Magistrates ...	1	117	

JUDICIAL STATEMENT No 2 (CRIMINAL).

Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence in Lower Burma in the year 1888

Description of offence	Number of offences reported	Number of cases returned as true	Number of cases brought to trial during the year	Number of persons: Under trial during the year, including pending from previous year	Acquitted or discharged	Convicted	Died, escaped, or transferred to another province	Remaining under trial	Committed	Referred	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
Offences against the State, Chapter VI of the Indian Penal Code	11	9	21	252	40	83		21	89	19	
Offences relating to the Army and Navy, Chapter VII	2	1	1	14	6				8		
Offences against the public tranquillity, Chapter VIII	365	358	329	1,882	726	1,103	14	23		16	
Offences by, or relating to, public servants, Chapter IX	223	216	214	345	165	134	10	24		12	
Contempts of the lawful authority of public servants, Chapter X	224	220	204	369	158	176	9	15		11	
False evidence and offences against public justice, Chapter XI	753	760	818	1,117	411	616	12	44	13	21	
Offences relating to coin and Government stamps Chapter XII	18	15	16	20	10	5		2	2	1	
Offences relating to weights and measures, Chapter XIII	37	36	61	47	12	35					
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV	1,674	1,565	1,473	2,614	655	1,912	14	28		5	
Offences relating to religion, Chapter XV	38	36	39	109	41	48	3			17	
Offences affecting the human body, Chapter XVI: Offences affecting life	305	287	414	576	151	98	3	42	197	85	
Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births	21	18	8	17	14	3					
Hurt	2,759	2,498	2,230	3,639	1 990	1,397	17	156	24	55	
Wrongful restraint and wrongful confinement	127	119	136	267	143	98		12		14	
Criminal force and assault	3 690	3,382	3,143	5,291	3 252	1,840	15	174	1	9	
Kidnapping, forcible abduction, slavery, and forced labour	169	148	95	148	87	44		9	6	2	
Rape	154	109	102	116	64	26		4	13	9	
Unnatural offence	11	8	4	5	2	1			2		
Offences against property, Chapter XVII: Theft	11,649	10,757	6,533	8,938	3,191	4,868	34	171	57	617	
Extortion	116	107	111	222	113	63	15	18	8	5	
Robbery and dacoity	1,489	1,430	1,419	3,404	1,018	1,063	37	154	727	405	
Criminal misappropriation of property	163	152	159	271	126	141		1	1	2	
Criminal breach of trust	415	386	379	437	210	168	7	25	4	23	
Receiving of stolen property	429	421	367	593	237	297	7	9	9	34	
Cheating	310	275	242	333	174	127	5	23	1	3	
Fraudulent deeds and disposition of property	14	12	17	29	19	8		2			
Mischief	862	811	569	1 024	645	334	2	22	14	7	
Criminal trespass	2,071	1,951	1,461	2,221	1,164	868	6	79	18	86	
Offences relating to documents and to trade or property marks, Chapter XVIII	38	37	36	40	20	15		1	3	1	
Criminal breach of contracts of service, Chapter XIX	9	9	9	12	6	6					
Offences relating to marriage, Chapter XX	296	237	219	255	204	32	4	12	3		
Defamation Chapter XXI	127	115	118	174	125	40		7		2	
Criminal intimidation, insult, and annoyance, Chapter XXII	2,221	2,028	2,020	2 699	1,795	807	8	80		9	
Offences under special and local laws	19,332	19,171	18,927	29 866	7,968	21,909	109	500	3	77	
Total	50,141	47,684	41,884	67 346	24,942	37 665	331	1,658	1,203	1,547	

JUDICIAL STATEMENT NO. 2A (CRIMINAL).

Showing the general result of the trial of European British subjects in Lower Burma in the year 1888.

| Description of offence | Number of persons accused and brought before a Magistrate. | | | | | | | | Persons whose cases were disposed of | | | | | | | |

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Showing miscellaneous proceedings under the Criminal Procedure Code in Lower Burma during 1888.

Nature of proceedings.	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	49	49	20	29	
2.—Proceedings against witnesses under Chapter VI	6	6	2	4	
3.—Forfeiture of bail or recognizance under Chapters XXXIX and XLII	212	366	113	239	14 pending.
4.—Non-attendance of jurors or assessors, Chapter XXIII, Section 332	7	8	2	6	
5.—Proceedings under Chapter VIII to prevent breach of the peace	54	92	11	81	
6.—Security for good behaviour under Chapter VIII	3,476	3,488	891	2,511	48 pending, 15 referred, 17 transferred 5 escaped, and 1 struck off.
7.—Proceedings against local nuisances, Chapters X and XI	7	7	4	3	
8.—Possession, Chapters XII and XLIII	8	22	...	19	3 persons possession given.
9.—Maintenance, Chapter XXXVI	211	211	110	100	1 pending
Total ...	4,030	4,249	1,153	2,99[illegible]	63 pending, 15 referred, 17 transferred, 5 escaped, 1 struck off, and 3 possession given.

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Showing the general result of criminal trials in the tribunals of various classes in Lower Burma in the year 1888.

Class of tribunal.	Total number of persons under trial.	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred.					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	..	...	.	...	...	...	
Subordinate Magistrates . Special Magistrates under section 14 ...	1,600	3	430	411	734	6	16	1,148	2·	2,127	
Subordinate Magistrates . Honorary Magistrates sitting singly ..	...	...	...	...	...	..	...	...	...	...	
Subordinate Magistrates . Stipendiary Magistrates sitting singly	45,868	276	18,235	21,263	3,003	1,830	1,261	27,709	6·	96,749	
Subordinate Magistrates . Benches of Magistrates	12,653	1	4,169	364	7,998	...	121	7,650	3·	9,869	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	801	5	195	488	1	92	20	569	8	...	
Chief Magistrates of Districts	4,482	28	1,514	1,762	313	707	158	2,782	9·	14,410	
Courts of Session	2,020	18	423	1,382	...	115	82	1,058	28·	5,225	
Superior Courts	120	...	21	96	.	...	3	84	25·	62	
Total ...	67,544	331	24,987	25,766	12,049	2,750	1,661	41,000	7·	128,462	

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Showing the punishments inflicted by the various criminal tribunals in Lower Burma in the year 1888.

Class of tribunal.	Persons sentenced to: Death.	Transportation.	Penal servitude.	Imprisonment: Rigorous.	Imprisonment: Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment. Fine: Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Imprisonment: Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Whipped: Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	.....	..	.....	...	...	...	...	...	..	...	..	...
Subordinate Magistrates. Special Magistrates under section 14.	...	...	...	70	1	...	1,076	15	...	1	893	174	8	1	...	...	8,546 11 3	7,780 11 3	156 0 0	25	39	7	...	...	2	7	6	...
Subordinate Magistrates. Honorary Magistrates sitting singly.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	... ..	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly.	...	...	...	6,121	175	2	15,370	1,633	2,134	1,369	8,643	5,667	673	181	6	...	2,68,899 14 7	2,41,677 12 10	26,124 1 6	584	4,538	2,461	71	...	261	904	468	6
Subordinate Magistrates. Benches of Magistrates	...	...	...	29	3	...	8,324	13	...	...	8,077	245	2	...	...	...	22,698 6 4	21,331 8 4	1,496 2 8	10	19	3		...	8	10	...	...
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	...	...	...	385	4	...	60	109	1	1	12	35	6	7	...	...	3,304 0 0	1,195 4	68 0 0	7	82	239	62	...	11	47	51	...
Chief Magistrates of Districts	...	...	...	1,094	59	..	649	149	408	321	298	214	76	54	7	...	38,301 1 9	24,016 3 0	1,394 0 11	77	505	451	353	8	13	55	81	8
Courts of Session ...	1	740	1	596	8	57	27	15	37	29	2	8	14	2	1	...	2,901 8 9	590 5 9	.....	...	25	69	501	41	...	1	14	2
Superior Courts	82	12	...	2	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	2	...	...	...	...	...	...
Total ...	83	752	1	8,297	250	59	25,506	1,934	2,580	1,721	18,125	6,343	779	245	14	...	3,64,651 10 8	2,96,591 13 2	29,238 5 1	703	5,208	3,232	987	49	290	1024	620	16

JUDICIAL STATEMENT NO. 5A. (CRIMINAL).

PART I.

Showing the whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments in Lower Burma for the year 1888.

Offences for which awarded.		Number of stripes awarded.												Total.	Remarks.
		5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
		First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI of 1864)—															
1.—Theft, as defined in	section 337, I. P. C.	..	...	...	...	...		1	...	..	...	..	...	1	
	section 378, do.	7	...	61	2	101	8	97	2	26	3	40	7	354	
	section 379, do.	1	...	31	1	49	2	67	2	13	...	43	1	210	
	section 380, do.	13	2	100	12	208	10	202	15	101	9	134	12	878	
	section 381, do.	...	...	6	.	5	1	7	...	4	...	5	...	28	
	section 382, do.	...	...	8	...	5	...	5	1	4	...	5	...	28	
2.—Extortion, as defined in	section 388, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
	section 389, do.	...	...	...	...	...	...	...	...	...	...	...	..	...	
3.—Dishonestly receiving stolen property, as defined in	section 411, do.	...	...	6	..	3	1	17	...	3	...	12	1	43	
	section 412, do.	1	...	1	..	1	...	1	..	.	1	...	...	5	
4.—Lurking house-trespass, as defined in	section 443, do.	...	...	...	...	2	.	1	...	...	...	...	...	3	
5.—Lurking house-trespass by night, as defined in	section 444, do.	...	...	1	...	...	...	2	...	...	...	...	...	3	
6.—Housebreaking, as defined in section 445, I. P. C.		...	...	...	...	1	...	1	...	...	...	...	...	2	
7.—Housebreaking by night, as defined in	section 446, I. P. C.	...	...	1	...	...	...	3	1	...	...	2	...	7	
	section 457, do.	...	...	...	...	...	...	...	1	...	...	...	...	1	
8.—Offences under	section 14, Act III, 1880.	...	...	...	...	1	...	...	..	1	1	...	...	3	
	do 429,	...	...	...	...	...	...	1	...	...	...	..	.	1	
	Total ...	22	2	215	15	376	22	465	22	152	14	241	21	1,567	

PART II.

Statement showing the whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1888.

Offences for which awarded.		Number of stripes.						Total	Remarks.
		5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1		2	3	4	5	6	7	8	9
In addition to other punishments (sections 3 and 4).—									
A.—Section 3.									
1.—Theft, as defined in	section 379, I. P. C. ...	...	...	5	4	1	10	20	
	section 378, do. ...	...	...	1	10	3	40	54	
	section 380, do. ...	1	5	11	36	20	78	151	
	section 381, do. ...	...	...	1	7	3	6	17	
	section 382, do. ...	...	...	...	...	...	...	...	
2.—Extortion as defined in	section 388, do. ...	...	...	...	...	...	...	...	
	section 389, do. ...	...	...	...	...	...	...	...	
	Carried over ...	1	5	18	57	27	134	242	

PART II.

Statement showing the whippings inflicted in addition to other punishments, sections 3 and 4, Act VII of 1884, in Lower Burma for the year 1888—(concluded).

Offences for which awarded		Number of stripes						Total	Remarks
		5 and under.	6 to 10.	11 to 15.	16 to 20	21 to 25.	26 to 30.		
1		2	3	4	5	6	7	8	9
	Brought forward	1	5	18	57	27	134	242	
Criminal breach of trust ..	section 408, I P. C .	...	..	...	..				
3.—Dishonestly receiving stolen property, as defined in	section 411, do ..	...	.	1	..	3	1	5	
	section 412, do .	.	...	...	..			...	
4 —Lurking house-trespass, as defined in	section 443, do ..	..	..	..	..	...		...	
5 —Lurking house-trespass by night, as defined in	section 444, do.	.	...	...	...		..	..	
6 —Housebreaking, as defined in	section 445, do	.	..	.		...	1	1	
7 —Housebreaking by night, as defined in	section 446, do .	..	..		3		3	6	
8 —Offence under .	section 14, Act III, 1880 ..	...	..	..	..	...	...	...	
House-trespass by night in order to commit theft	section 456,	...	...	.	..	..	...	...	
B.—Section 4									
1 —False evidence, as defined in ..	section 193, I P C .	...	...		..	..	..	...	
	section 194, do. ...	..	.	...		...	.	...	
	section 195, do. .	...	...	..	...	...	..	...	
2 —False charge of unnatural offence, as defined in	section 211, do, and section 377, do.		.	..	.	...	1	1	
3.—Assault, as defined in	section 354, do. ..	.	...	.	.	..	...	...	
4 —Rape, as defined in .	section 375, do .	...	...	.	.	...	..	...	
5 —Unnatural offence, as defined in	section 377, do ..		..	.	...	..	..	...	
6 —Robbery, as defined in ..	section 390, do. ..	...	..	.	.	...	...	...	
7 —Dacoity, as defined in	section 391, do ..		...	..	.	...	...	...	
8 —Attempt at robbery, as defined in ..	section 393, do. ..	..	...	.		.	...	..	
9.—Hurt in committing robbery, as defined in	section 394, do. ..	.	...	..	.	...	...	...	
10.—Receiving stolen property, as defined in	section 413, do.	.	..		...	...	...	..	
11 —Forgery, as defined in .. .	section 463, do .		..	...	...		...	...	
	section 466, do. .		.		...	...	...	...	
	section 467, do ..			..	.	...	..	...	
	section 468, do. ..	...	...	..	...	..	...	...	
	section 469, do. .	.	.	...	...	..	...	...	
12 —Lurking housetrespass, as defined in	section 443, do. .	..	.	...	...	...	...	...	
13 —Lurking housetrespass by night, as defined in	section 444, do .	.	...	...	..	..	...	..	
14.—Housebreaking as defined in ...	section 445, do. ..	...	...	...	...	...	...	...	
Ditto ditto ...	section 457, do ...	.	..	...	...	...	1	1	
15 —Housebreaking by night, as defined in	section 446, do. ..	.	..	.	.	...	...	...	
	Total ...	1	5	19	60	30	141	256	

PART III.

Statement showing whippings inflicted under section 5, Act VI of 1864, on juveniles for offences other than those specified in Parts I and II in Lower Burma for the year 1888.

Offence.	Stripes.												Total.	Remarks.
	5 and under		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction	First conviction.	Subsequent conviction	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Section 160, I. P. C.	...	...	...	...	1	..	...	...	...	...	...	...	1	
Do 193, do.	...	...	...	...	...	...	...	..	...	...	...	...	...	
Do 212, do.	...	...	..	...	...	...	1	...	...	...	...	...	1	
Do. 249, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 294, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 304, do. ...	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 323, do.	1	...	...	...	2	...	1	...	...	...	...	...	4	
Do. 324, do.	...	...	5	...	8	...	2	...	...	...	1	...	16	
Do. 325, do.	...	...	...	...	1	...	...	...	..	...	...	...	1	
Do. 337, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
Do. 352, do.	1	...	1	...	...	...	2	2	..	...	...	...	6	
Do. 354, do.	...	...	...	...	3	..	2	...	...	...	...	...	5	
Do. 363, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 376, do.	...	...	...	...	...	...	...	...	..	...	3	...	3	
Do. 379, do.	2	...	12	...	14	1	4	...	1	...	2	...	36	
Do. 380, do.	2	...	2	...	7	...	[illegible]	.	...	..	1	...	14	
Do. 392, do.	...	...	...	...	2	...	...	...	1	...	3	...	6	
Do. 394, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 395, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do. 406, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do 431, do.	...	...	...	...	1	...	...	...	1	...	...	...	2	
Do. 436, do.	..	...	...	...	...	...	1	..	...	...	3	...	4	
Do. 447. do.	...	..	1	...	...	...	...	...	...	...	...	...	1	
Do. 451, do.	...	...	...	...	1	...	1	..	...	.	...	...	2	
Do. 456, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
Do- 504, do.	1	...	...	...	...	...	...	...	...	...	..	...	1	
Railway Act IV of 1879	...	...	...	...	...	..	...	...	...	...	...	..	...	
Total ...	7	...	23	...	40	1	17	2	3	...	18	...	111	

PART IV.

Statement showing relative number of times whipping was awarded as compared with other punishments in Lower Burma for the year 1888.

Punishments.	Number.	Remarks.
1	2	3
Total number of whippings awarded	1,934	
Total number of other punishments	35,881	
Total ...	37,815	
Percentage of whippings ...	5·11	

JUDICIAL STATEMENT NO. 6 (CRIMINAL).

Showing the result of appeal and revision in criminal cases in Lower Burma in the year 1888

Class of tribunal	Number of persons: Total number of appellants and applicants for revision before the Courts	Died, escaped, or transferred to another province	Appeals or applications rejected	Sentence or order confirmed	Sentence enhanced	Sentence reduced or otherwise altered	Sentence reversed	Proceedings quashed	New trial or further enquiry ordered	Referred for revision to the High Court	Pending trial	Average number of days during which each appeal lasted	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals													
To Chief Magistrates of Districts	769	3	121	361		107	138	5	10	2	22	7	
To Courts of Sessions	2,867	1	1,604	750	...	164	236	8	43		61	12	
To Superior Courts — by persons convicted	1,845	.	623	322	.	49	124	1	3	...	121	37	Two appeals abated.
To Superior Courts — by Government from judgments of acquittal	12	.	3			..	9		.	..	.	89	
Total	4,893	4	2,351	1,433		320	507	14	56	2	204	17	
Revision													
By Chief Magistrates of Districts	4,135	.	60	3,408	.	1	2	.	38	274	352	17	
By Courts of Sessions	1,758	..	675	790		.	.		7	67	199	20	
By Superior Courts	3,209	...	84	1,465	38	278	847	1	36		440	70	
Total	9,102	...	819	5,683	38	279	849	1	81	301	991	31	
GRAND TOTAL	13,995	4	3,170	7,116	38	599	1,356	15	137	363	1,195	25	

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Showing the use of Jurors and Assessors in the Criminal Courts in Lower Burma in the year 1888.

Classes of Courts in which jurors or assessors are employed distinguishing Criminal from Civil Courts.		Established or average number of jury or assessors in each case, and prescribed qualifications	Number of cases tried by jury.	Number of cases tried with assessors	Cases in which the Judge approved of the verdict	Jury trials: Cases in which the Judge did not approve of the verdict: Wholly	Jury trials: Cases in which the Judge did not approve of the verdict: Partially	Jury trials: Number of persons of the verdict, in respect to whom the Judge disapproved: Whose cases he referred under section 307, C P Code	Jury trials: Number of persons of the verdict, in respect to whom the Judge disapproved: Whose cases he did not refer under section 307, C P Code	Number of cases in which Judge agreed with assessors	Assessors' trials: Number of cases in which Judge differed from: One assessor	Assessors' trials: Number of cases in which Judge differed from: Both assessors	Remarks
1		2	3	4	5	6	7	8	9	10	11	12	13
I—Civil Courts													
Chief Courts of districts (or officer specially empowered) acting under Act X of 1870.	Assessors	..	..	...	..	..	..		..	..	.		
II—Criminal Courts													
Magistrates' Courts under Chapter X, C P Code	Jurors ...	.	.	...	..		..	..	.	..	.	.	
Courts of Session	Jurors	5	73	.	71	2	..	1	78	..	..	.	
	Assessors	2	...	09	...	..	...	...	..	311	49	149	
High Court, Original Criminal Jurisdiction	Jurors ...	5	7	...	7	...	...	..	10	..	..	.	
Total .		..	80	509	78	2	...	1	88	311	49	149	